



1932

## The Laws of Jamaica, 1931

Jamaica

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# Laws of Jamaica

PASSED IN THE YEAR

1931.



MAY 25 1932

		
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THE  
LAWS OF JAMAICA

PASSED IN THE YEAR, 1931.

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PUBLISHED BY AUTHORITY.

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JAMAICA  
GOVERNMENT PRINTING OFFICE KINGSTON

1932.

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## TABLE OF LAWS

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[Assented to 28th February, 1931.]

1. A Law further to amend the Tariff Law, 1925, Law 4 of 1925 and all Laws amending the same.

[Assented to 7th March, 1931.]

2. A Law to amend Law 14 of 1923, The Rum Duty Amendment Law, 1923.

[Assented to 7th March, 1931.]

3. A Law to Continue a Certain Expiring Law.

[Assented to 18th March, 1931.]

4. A Law for the more effectual prevention and punishment of Bribery and Corruption of and by members, officers, or servants of corporations, councils, parochial and other boards, commissions, or other public bodies.

[Assented to 13th May, 1931.]

5. A Law to Amend the Insurance Fund Law, 1921 (Law 17 of 1921).

[Assented to 26th May, 1931.]

6. A Law to Repeal the Laws relating to Entertainments Duty.

[Assented to 16th June, 1931.]

7. A Law to amend the Law to consolidate and amend the Resident Magistrates Laws, 1927 (Law 39 of 1927).

[Assented to 16th June, 1931.]

8. A Law to secure a Pension to Frederick Arthur Gordon Purchas in respect of his services as a District Medical Officer of the Colony.



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[Assented to 16th June, 1931.]

19. The Appropriation Law, 1931-1932.

[Assented to 16th June, 1931.]

10. A Law to amend the Local Improvement Law, 1914.

[Assented to 16th June, 1931.]

11. A Law further to amend the Kingston Building Law (Law 5 of 1883).

[Assented to 6th June, 1931.]

12. A Law to consolidate and amend the Laws relating to the Kingston and St. Andrew Corporation.

[Assented to 20th June, 1931.]

13. The Sugar Industry Aid Law, 1931.

[Assented to 20th June, 1931.]

14. A Law to Amend the Parochial Boards Laws Consolidation Law, 1901 (Law 17 of 1901).

[Assented to 20th June, 1931.]

15. A Law to extend the provisions of the Customs (Importation Prohibition) Law, 1916 (Law 23 of 1916) to the Dependency of the Turks and Caicos Islands.

[Assented to 20th June, 1931.]

16. A Law in relation to the erection and extension of the Pier or Jetty on the Leyland Wharf, Kingston.

[Assented to 24th June, 1931.]

17. A Law to give effect to a certain Convention on the execution of Arbitral Awards.

[Assented to 24th June, 1931.]

18. A Law to give effect to a Protocol on Arbitration Clauses signed on behalf of His Majesty at a meeting of the Assembly of the League of Nations held on the 24th day of September, 1923.

[Assented to 24th June, 1931.]

19. A Law to provide for an additional pension to Thomas John Field, formerly an Inspector of Police of the Jamaica Constabulary Force.

[Assented to 24th June, 1931.]

20. A Law to make provision for the Improvement of the Kingston Race Course.

[Assented to 24th June, 1931.]

21. A Law to authorise the raising of a Loan for Road Works.

[Assented to 6th July, 1931.]

22. A Law in aid of the Jamaica Coconut Producers Association Limited.

[Assented to 6th July, 1931.]

23. A Law in aid of the Coconut Industry and to promote aid and encourage the local manufacture of Edible Oils.

[Assented to 21st August, 1931.]

24. A Law in Further Aid of the Canada-West Indies Hotels Company, Limited.

[Assented to 24th December, 1931.]

25. A Law to regulate the Manufacture of Rum in this Island.

[Assented to 4th January, 1932.]

26. A Law to amend the War Expenses (Jamaica Contribution) Law, 1921.

[Assented to 4th January, 1932.]

27. A Law to amend the Customs Consolidation Law, 1877.

[Assented to 4th January, 1932.]

28. A Law to amend a Law entitled, "An Act to amend the Criminal Law."

[Assented to 4th January, 1932.]

29. A Law to amend the Bankruptcy Laws.

[Assented to 4th January, 1932.]

30. A Law to validate the proceedings of the Legislative Board of the Turks and Caicos Islands.

## VI

[Assented to 4th January, 1932.]

31. A Law to validate the acts and proceedings of the Central Board of Health.

[Assented to 4th January, 1932.]

32. A Law relating to Children and Young Persons.

[Assented to 2nd February, 1932.]

33. A Law to Consolidate the Laws relating to Main Roads.

[Assented to 4th February, 1932.]

34. A Law to Consolidate the Laws Relating to Parochial Roads.

[Assented to 8th March, 1932.]

35. A Law to enable the erection and maintenance of a jetty or pier in the Harbour of Montego Bay, and of a Railway Line to connect same with the existing Jamaica Government Railway

## VII

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 35 of 1931.*

Statutes or Laws repealed or otherwise affected.	How affected.	Number of Law.
Law 4 of 1925 ..	First Schedule as amended by Law 11 of 1927 and Law 29 of 1927 amended by Second Schedule as amended by Law 29 of 1927 amended by	Law 1 of 1931.
Law 14 of 1923 ..	Section 2 amended by ..	Law 2 of 1931.
Law 9 of 1920, except the last two items in schedule of the Law. }	Continued until 31st March, 1932 by ..	Law 3 of 1931.
Law 17 of 1921 ..	Section 3 amended by ..	Law 5 of 1931.
Law 14 of 1919 Law 15 of 1920 Law 22 of 1923 Law 21 of 1924 }	Repealed by ..	Law 6 of 1931.
Law 39 of 1927 ..	Sections 16 and 225 amended by ..	Law 7 of 1931.
Law 22 of 1914 ..	Section 4 (1) amended by Section 6 repealed and new section substituted by Section 8 repealed and new section substituted by	Law 10 of 1931.
Law 2 of 1908 ..	Part I of Second Schedule repealed and new Part I substituted by	Law 11 of 1931.
Law 18 of 1914 ..	Section 2 which repeals section 5 of Law 24 of 1907 and substitutes a new section amended by	



## VIII

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 35 of 1931.*

Statutes or Laws repealed or otherwise affected.	How affected.	Number of Law.
Law 29 of 1873	So much of the Law as in relation to the parish of Kingston and/or the parish of St. Andrew, provides that the licence duty on horsekind, asses, and wheels shall be placed by the Treasurer to the credit of an account to be called the Parochial Road Fund, and shall be paid for such local parish road purposes as the Parish Road Commissioner of that parish shall from time to time direct, repealed by	Law 12 of 1931.
Law 9 of 1874	So much of the Law as refers to the parish of St. Andrew repealed by	
Law 10 of 1874	So much of the provisions of this Law with regard to markets as relate to the parish of Kingston and as extended by Law 18 of 1893 as relate to the parish of St. Andrew repealed by	
Law 11 of 1878	So much of the Law as in relation to the parish of Kingston and/or the parish of St. Andrew, provides that the licence duty on horsekind, asses and wheels shall be placed by the Treasurer to the credit of an account to be called the Parochial Road Fund, and shall be paid for such local parish purposes as the Parish Road Commissioner shall from time to time direct, repealed by	
Law 19 of 1888	So much of the Law as relates to the auditing of accounts by the Parochial Boards and Parochial Offices, and accounts generally of the Parochial Board of the parish of St. Andrew and the Mayor and Council of Kingston, repealed by	

## IX

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 35 of 1931.*

Statutes or Laws repealed or otherwise affected.	How affected.	Number of Law.
Law 31 of 1890	So much of section 47 of the Law as provides that the several duties therein mentioned shall be carried by the Treasurer to the credit of the Parochial Road Fund Account of the parish of Kingston and shall be paid for such parochial road purposes as the Mayor and Council shall from time to time direct, repealed by	Law 12 of 1931.
Law 19 of 1892	So much of the Law as provides in relation to the parish of Kingston and the parish of St. Andrew, that the licence fees imposed for or in respect of licences under the Laws mentioned in the first section thereof, shall be carried to the credit of the Surplus Fund of each parish, repealed by	
Law 20 of 1894	So much of the Law as relates to any public cemetery of the parish of St. Andrew, repealed by	
Law 24 of 1897	Sections 2 and 3, repealed by	
Law 34 of 1900	So much of the Law as refers to the Parochial Board of the parish of St. Andrew and/or the Mayor and Council of Kingston, repealed by	
Law 17 of 1901	So much of the Law as relates to the Parochial Board of the parish of St. Andrew and the Mayor and Council of Kingston, and to the election of members to serve on the Parochial Board of the parish of St. Andrew, and the Mayor and Council of Kingston and to the qualifications and disqualifications of members to serve on the Parochial Board of the parish of St. Andrew and the Mayor and Council of Kingston, repealed by	



*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 35 of 1931.*

Statutes or Laws repealed or otherwise affected.	How affected.	Number of Law.
Law 52 of 1908 ..	So much of the Law as relates to the registration and qualifications of voters and the making of a register of persons entitled to vote at the election of members of the Mayor and Council of Kingston and of the Parochial Board of the parish of St. Andrew, repealed by ..	Law 12 of 1931
Law 28 of 1909 ..	So much of the Law as relates to the registration and qualifications of voters and the making of a register of persons entitled to vote at the election of members of the Mayor and Council of Kingston and of the Parochial Board of the parish of St. Andrew, repealed by ..	
Law 22 of 1919 ..	So much of the Law as relates to the registration of female persons as voters for the parishes of Kingston and St. Andrew, repealed by ..	
Law 3 of 1923	Repealed by ..	
Law 36 of 1923		
Law 38 of 1923		
Law 1 of 1924		
Law 15 of 1924		
Law 14 of 1926		
Law 31 of 1927		
Law 28 of 1929		
Law 9 of 1873 ..	All references in this Law or in any Law amending the same or to be read and construed therewith, to the Parochial Road Commissioners shall, in the cases of the parishes of Kingston and St. Andrew, be deemed to refer to the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and St. Andrew Corporation Law, 1931.	

# XI

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 35 of 1931.*

Statutes or Laws repealed or otherwise affected.	How affected.	Number of Law.
Law 6 of 1886	All references in this Law, and in any Law amending the same, to the Parochial Boards shall, in the cases of the parishes of Kingston and St. Andrew, be deemed to refer to and to mean the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and St. Andrew Corporation Law 1931	Law 12 of 1931
Law 20 of 1886	All references in this Law or in any Law amending the same or to be read and construed therewith, to the Parochial Board of every parish or the Parochial Board shall, in the case of the parish of St. Andrew be deemed to refer to and to mean the Council of the Kingston and St. Andrew Corporation appointed under the provisions of the Kingston and St. Andrew Corporation Law, 1931.	
Law 23 of 1887	Section 1 amended by ..	
Law 12 of 1888	Section 15 repealed and new section substituted by ..	
Law 32 of 1890	Section 30 amended by ..	
Law 10 of 1893	Section 1 amended by ..	
Law 18 of 1893	All references in this Law to any Parochial Board shall, in relation to the parishes of Kingston and St. Andrew, be deemed to refer to and to mean the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law 1931.	
Law 27 of 1895	Sections 1 and 5 amended by ..	
Law 9 of 1896	Sections 3 (4) and 16 amended by ..	

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 35 of 1931.*

Statutes or Laws repealed or otherwise affected.	How affected.	Number of Law.
Law 19 of 1897	All references in this Law to Parochial Boards shall, in the cases of the parishes of Kingston and St. Andrew be deemed to refer to and to mean the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931.	Law 12 of 1931
Law 28 of 1897	Sections 55 (1) and 57 amended by	
Law 10 of 1898	All references in this Law to the Parochial Board of any parish shall, in the cases of the parishes of Kingston and St. Andrew, be deemed to refer to and to mean the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and St. Andrew Corporation Law, 1931.	
Law 17 of 1901	Sections 3, 7 and 10 amended by	
Law 15 of 1903	All references in this Law or in any Laws amending the same, or to be read and construed therewith to "a parish" or "the parish" shall, so far as they relate to the parish of Kingston and/or to the parish of St. Andrew, be deemed to refer to and to mean the corporate area and defined in the Kingston and St. Andrew Corporation Law, 1931.	
Law 20 of 1903	Section 1 amended by	
Law 24 of 1907	Sections 1 (2) and 20 amended by	
Law 7 of 1908	Proviso added to Section 20 by	
Law 28 of 1908	Proviso added to Section 1 by	
Law 55 of 1908	Section 1 amended by	



## XIII

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 35 of 1931.*

Statutes or Laws repealed or otherwise affected.	How affected.	Number of Law.
Law 10 of 1909 ..	Proviso added to Section 1 by	Law 12 of 1931
Law 7 of 1910 ..	Section 3 amended by	
Law 16 of 1928 ..	All references in this Law to the Kingston and St. Andrew Corporation created by Law 3 of 1923, shall be deemed to refer to the Council of the Kingston and St. Andrew Corporation created by the Kingston and St. Andrew Corporation Law, 1931. All references in this Law to the corporate area as defined by the Kingston and St. Andrew Corporation Law, 1923 (Law 3 of 1923) shall be deemed to refer to the corporate area as defined by the Kingston and St. Andrew Corporation Law, 1931.	
Law 17 of 1928 ..	All references in this Law to the Kingston and St. Andrew Corporation shall be deemed to refer to the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and St. Andrew Corporation Law, 1931.	
Law 19 of 1928 ..	Sections 2 and 3 (b) amended by	
Law 29 of 1928 ..	All references in this Law to the Kingston and St. Andrew Corporation shall be deemed to refer to the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and St. Andrew Corporation Law, 1931.	

# XIV

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 35 of 1931.*

Statutes or Laws repealed or otherwise affected.	How affected.	Number of Law.
Law 26 of 1929 ..	Repealed by ..	Law 13 of 1931
Law 17 of 1901 ..	Section 38 repealed and new section substituted by ..	Law 14 of 1931
Law 23 of 1916 ..	Extended to the Turks and Caicos Islands by ..	Law 15 of 1931
George III c. 28 ..	Section 1 so far as its provisions may yet be in force, repealed by ..	Law 20 of 1931
Law 12 of 1928 ..	Read and construed with ..	Law 24 of 1931
Law 4 of 1921 ..	Read and construed with ..	Law 26 of 1931
Law 18 of 1877 Law 22 of 1881 Law 3 of 1882 Law 24 of 1885 Law 24 of 1906 Law 36 of 1911 Law 20 of 1912 Law 32 of 1914 Law 28 of 1915 Law 23 of 1916 Law 36 of 1916	Read and construed with Section 153 of 18 of 1877 amended and Section 154 repealed and new section substituted by	Law 27 of 1931
1 Vic. c. 28 ..	Section 20 repealed by ..	Law 28 of 1931
Law 25 of 1871 Law 17 of 1877 Law 33 of 1879 Law 21 of 1882 Law 8 of 1885 Law 11 of 1888 Law 24 of 1892 Law 5 of 1894 Law 38 of 1911 Law 21 of 1912 Law 26 of 1916 Law 4 of 1923	Read and construed with Sections 4, 8 and 55 of 33 of 1879 amended by Section 4 (4) (m) of 24 of 1892 is amended by the deletion of paragraph (m) and substitution of a new paragraph by	Law 29 of 1931
Law 21 of 1886 ..	Section 4 repealed by ..	Law 29 of 1931
Law 25 of 1927 ..	Repealed by ..	Law 32 of 1931

# XV

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 35 of 1931.*

Statutes or Laws repealed or otherwise affected.	How affected.	Number of Law.
Law 41 of 1887 Law 8 of 1888 Law 19 of 1891 Law 11 of 1892	Repealed by ..	Law 33 of 1931
Law 30 of 1892 Law 18 of 1897 Law 18 of 1902 Law 11 of 1908 Law 18 of 1908 Law 32 of 1911	So much as relates to main roads repealed by .. Repealed by .. So much as relates to main roads repealed by .. Repealed by ..	
Law 29 of 1873 Law 11 of 1878 Law 1 of 1882 Law 20 of 1886 Law 12 of 1888 Law 7 of 1890 Law 11 of 1892	Repealed by	
Law 31 of 1893	Section 2 repealed by ..	
Law 7 of 1896 Law 18 of 1896 Law 18 of 1897 Law 18 of 1902 Law 25 of 1903 Law 11 of 1908 Law 18 of 1908	Repealed by ..	





No. 1—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

28th February, 1931.

A LAW further to amend the Tariff Law, 1925, Law 4 of 1925, and all Laws amending the same.

[2nd March, 1931.]

**BE** it enacted by the Governor and Legislative Council of Jamaica, as follows:—

1—This Law shall be read and construed as one with the Construction. Tariff Law, 1925, (Law 4 of 1925), hereafter called The Principal Law, and all Laws amending the same.

2—The First Schedule of the Principal Law as amended First Schedule of Law 4 of 1925 amended. by the Tariff Amendment Law, 1927, (Law 11 of 1927), and Law 29 of 1927, is hereby amended as follows:—

- (a) By deleting item 17—Glucose per lb.
- (b) By deleting the rates of duty in item 36 and substituting therefor: “2½d.” “3½d.”
- (c) By deleting the rates of duty on item 3 and by substituting therefor: “1s. 9d.” “2s. 6d.”
- (d) By deleting item 29 and by substituting therefor: Spirits:

	£	s.	d.	£	s.	d.
(a) Brandy. (b) Gin.	1	8	3	1	14	4
(c) Whisky ..	1	8	3	2	1	0
(d) Spirits of Wine and						
(e) Alcohol (including						
absolute alcohol and						
British Colonial						
Rum) per gallon of						
proof spirits as as-						
certained by Syke's						
or Sike's Hydrometer,						
provided that in the						
cases of (a) (b) (c)						
(d) and (e) in no						
case shall the duty						
be less per liquid gal-						
lon than as follows:						
(a) (b) (d) and (e).						
Preferential: 24/-						
General: 29/8.						
(c) Preferential: 24/-						
General: 32/2 per						
liquid gallon ..	1	8	3	1	14	4
(f) Cordials and Liqueurs:						
All kinds, including						
Bitters and Flavour-						
ing Extracts contain-						
ing 40% proof spirit						
per liquid gallon ..	1	8	3	1	14	4
Unenumerated Spirits:						
not to include Bay						
Rum and Dentifrices,						
Toilet preparations						
and washes.						
(g) Potable, perfumed,						
if tested—per proof						
gallon:						
provided that in no						
case should the duty						
be less per liquid gal-						
lon than 21/- prefer-						

	£	s.	d.	£	s.	d.
entia and 23/8						
general ..	1	4	9	1	7	6
(h) Potable, perfumed —if not tested, per liquid gallon	1	4	9	1	7	6
(i) Spirituous Com- pounds, not being Methylated Spirits, nor Perfumery, nor Medicines recognised by the British Phar- macopoeia, or the United States Phar- macopeia, nor medi- cinal spirits and not otherwise enume- rated containing 40 per cent. of proof spirit per liquid gallon ..	1	8	3	1	14	4
(e) By deleting the rates of duty on items 34 and by substituting therefor:						
(a) ..			6/-			10/-
(b) ..			12/-			17/-
(f) By deleting the rates of duty in item 32 (c) and by substituting therefor ..			9/-			12/-
(g) By inserting a new item 40.						
40. Confectionery			15%			25%
(h) By inserting a new item 41.						
41. Bay Rum, per proof gallon			9/-			12/-

3—The Second Schedule of the Principal Law, (Law 4 of 1925) as amended by Law 29 of 1927, is hereby further amended

Second Schedule  
of Law 4 of 1925  
amended

(a) By inserting the following new items at the end of the Schedule:—

35. Uniform and equipment imported by and for the use of the Jamaica Boy Scouts and



Girl Guides Associations on the production of a certificate by a Commissioner of either Association.

36. Placards and posters designed for no other purpose and use than for advertising.
37. Palm bark for use as containers for native tobacco leaf.
38. Wire Screen cloth.
39. Glucose and all forms of invert sugar.
- (b) By adding the words "also insulin" after the words "drugs" in item 17, and
- (c) By deleting item 19 as amended by Section 3 of Law 29 of 1927, and substituting therefor:—
  19. Packages and bags, exported with produce and returned empty, also bags and sacks made of fibre; and containers of metal, glass or cardboard or waxed paper used for putting up or containing Island produce.

Short Title.

4—This Law may be cited as the Tariff Further Amendment Law, 1931.

JAMAICA.

No. 2—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

7th March, 1931.

A LAW to amend Law 14 of 1923, The Rum Duty  
Amendment Law, 1923.

[12th March, 1931.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—This Law shall be read and construed as one with Construction.  
Law 10 of 1878, entitled The Rum Duty Law, 1878, here-  
inafter referred to as the Principal Law and all other Laws  
amending the same.

2—Section 2 of Law 14 of 1923, The Rum Duty Amend- Section 2 of Law  
14 of 1923  
amended.  
ment Law of 1923, which repealed Section 69 of the Prin-  
cipal Law and substituted a new Section therefor, is hereby  
amended as follows:—

By deleting from Section 69(b) the words commencing  
“provided” in the fifth line and ending “bond” in the  
eighth line and substituting therefor the following:—

“Provided that an excise duty of eight shillings upon  
“every imperial gallon of the strength of proof as ascer-



"tained by Sykes' or Sikes' Hydrometer and the tables of  
"calculation to be used in connection therewith and so in  
"proportion for any greater or less degree of strength, or  
"any greater or less quantity shall be collected thereon  
"before the Bay Rum so manufactured be delivered from  
"bond."

**Short Title.**

3—This Law may be cited as the Rum Duty Further  
Amendment Law, 1931.

No. 3—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

7th March, 1931.

A LAW to Continue a Certain Expiring Law.

[12th March, 1931.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—The Law mentioned in the Schedule to this Law shall be continued until and including the thirty-first day of March one thousand nine hundred and thirty-two. Continuance of Law mentioned in the Schedule.

2—This Law may be cited as the Expiring Law Continuance Law, 1931. Short Title.

#### SCHEDULE.

The Excise Duty (Temporary Increase) Law, 1920 (Law 9 of 1920) with the exception of the following items:—

On all matches subject to Excise Duty under The Match Excise Duty Law, 1901, (Law 12 of 1901) and any Laws amending the same an additional duty after the rate of ten per cent. on such Excise Duty.

On all amounts payable as King's Warehouse fees under the Wharfage Law, 1895 (Law 15 of 1895) a Surtax after the rate of ten per cent. of such fees.



No 4—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

18th March, 1931.

A LAW for the more effectual prevention and punishment of Bribery and Corruption of and by members, officers, or servants of corporations, councils, parochial and other boards, commissions, or other public bodies.

[19th March, 1931.]

WHEREAS it is expedient more effectually to provide for the prevention and punishment of bribery and corruption of and by members, officers, or servants of corporations, councils, parochial and other boards, commissions, and other public bodies: Preamble.

Be it enacted by the Governor and the Legislative Council of Jamaica as follows:—

1—In this Law—

*Interpretation.*

The expression “public body” means any municipal corporation also any parochial board or any other board, commission, or other body which has power to act under or for the purposes of any Law relating to local government or the public health or to poor Law or otherwise to administer money raised by rates in pursuance of any public general Law:



the expression "public office" means any office or employment of a person as a member, officer, or servant of such public body:

the expression "public servant" means and includes any person in the public service of the colony or, unless the context otherwise requires, in the service of any municipal corporation, parochial board, or public body.

the expression "advantage" includes any office or dignity, and any forbearance to demand any money or moneys worth or valuable thing, and includes any aid, vote, consent, or influence, or pretended aid, vote, consent, or influence, and also includes any promise or procurement of or agreement or endeavour to procure, or the holding out of any expectation of any gift, loan, fee, reward, or advantage as before defined.

Corruption in office a misdemeanour.

2—(1) Every person who shall by himself or by or in conjunction with any other person, corruptly solicit or receive, or agree to receive, for himself, or for any other person, any gift, loan, fee, reward or advantage whatever as an inducement to, or reward for, or otherwise on account of any member, officer, or servant of a public body as in this Law defined, doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which the said public body is concerned, shall be guilty of a misdemeanour.

(2) Every person who shall by himself or by or in conjunction with any other person corruptly give, promise, or offer any gift, loan, fee, reward, or advantage whatsoever to any person, whether for the benefit of that person or of another person, as an inducement to or reward for or otherwise on account of any member, officer, or servant of any public body as in this Law defined, doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which such public body as aforesaid is concerned, shall be guilty of a misdemeanour.

Public servant taking a gratification other than legal remuneration in respect of an official act.

3—Every person who, being or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification whatever other than legal



remuneration—as a motive or reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person with the Legislative Council or Executive Government of Jamaica, or with any public servant as such, shall be guilty of a misdemeanour.

In the interpretation and explanation of this Section and of the succeeding Sections, the word “gratification” is not restricted to pecuniary gratifications or to gratifications estimable in money, and the words “legal remuneration” are not restricted to remuneration which a public servant can lawfully demand but include all remuneration which he is permitted by the Government which he serves to accept, and the words “a motive or reward for so doing” include in their interpretation a person who receives a gratification as a motive for doing what he does not intend to do or as a reward for doing what he has not done.

4—Every person who accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Legislative Council or the Executive Government of Jamaica or with any public servant as such, shall be guilty of a misdemeanour.

Taking a gratification in order by corrupt or illegal means to influence a public servant.

5—Every person who accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Legislative Council or

Taking a gratification for the exercise of personal influence with a public servant.

the Executive Government of Jamaica, or with any public servant as such—shall be guilty of a misdemeanour.

Punishment for  
abetment by  
public servant  
of the offences  
above defined.

6—Every person who, being a public servant, in respect of whom either of the offences defined in the last two preceding Sections is committed, abets the offences, shall be guilty of a misdemeanour.

Penalty for  
offences.

7—Any person on conviction for offending as aforesaid shall, at the discretion of the Court before which he is convicted,—

- (a) be liable to be imprisoned for any period not exceeding two years, with or without hard labour, or to pay a fine not exceeding five hundred pounds, or to both such imprisonment and such fine; and
- (b) in addition be liable to be ordered to pay to such body, and in such manner as the court directs, the amount or value of any gift, loan, fee, or reward received by him or any part thereof; and
- (c) be liable to be adjudged incapable of being elected or appointed to any public office for seven years from the date of his conviction, and to forfeit any such office held by him at the time of his conviction; and
- (d) in the event of a second conviction for a like offence he shall, in addition to the foregoing penalties, be liable to be adjudged to be for ever incapable of holding any public office, and to be incapable for seven years of being registered as an elector, or voting at an election either of members to serve in the Legislative Council or of members of any public body, and the Laws for preventing the voting and registration of persons declared by reason of corrupt practices to be incapable of voting shall apply to a person adjudged in pursuance of this Section to be incapable of voting; and
- (e) if such person is an officer or servant in the employ of any public body upon such conviction



he shall, at the discretion of the court, be liable to forfeit his right and claim to any compensation or pension to which he would otherwise have been entitled.

8—(1) Where an offence under this Law is also punishable under any other Law, or at Common Law, such offence may be prosecuted and punished either under this Law, or under the other Law, or at Common Law, but so that no person shall be punished twice for the same offence. Savings.

(2) A person shall not be exempt from punishment under this Law by reason of the invalidity of the appointment or election of a person to a public office.

9—A prosecution for an offence under this Law shall not be instituted except by or with the consent of the Attorney-General. Restriction on prosecution.

10—The expenses of the prosecution of an offence against this Law shall be defrayed out of the public revenues of the colony. Expenses of prosecution.

11—A Resident Magistrate's Court shall have jurisdiction to inquire of, hear, and determine a misdemeanour or offence under this Law and the procedure shall be in accordance with the provisions of any Law for the time being in force regulating procedure before Resident Magistrates in the exercise of criminal jurisdiction. Jurisdiction.

12—This Law may be cited as the Public Bodies Corrupt Practices Law, 1931. Short Title.



No. 5—1931

I assent,

[L.S.]

R. E. STUBBS,  
*Governor.*

13th May, 1931.

A LAW to Amend the Insurance Fund Law, 1921 (Law 17 of 1921).

[14th May, 1931.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law shall be read and construed with the Construction.  
Insurance Fund Law, 1921 (Law 17 of 1921), hereinafter referred to as the principal Law.

2—Section 3 of the principal Law is hereby amended by Amendment of section 3 of Law 17 of 1921.  
striking out the words appearing in the eleventh and twelfth lines of the section, namely:—

“and this shall be done even if the fund shall happen to be in credit to the extent of £200,000.”

and substituting therefor the words—

“provided that whenever the fund is in credit to the extent of £200,000, it shall be lawful for the Governor in Privy Council to give directions to the Treasurer that the interest on such moneys as may be invested, or part of such interest, shall be carried to the credit of the General Revenue of the Island.”

3—This Law may be cited as the Insurance Fund Law, Short Title.  
Amendment Law, 1931.





JAMAICA.

No 6—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

26th May, 1931.

A LAW to Repeal the Laws relating to Entertainments  
Duty.

[28th May, 1931.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—The Laws mentioned in the Schedule to this Law Repeal.  
are hereby repealed to the extent mentioned in the third  
column of the said Schedule.

2—This Law may be cited as the Entertainment Duty Short Title.  
Repeal Law, 1931.

SCHEDULE.

<u>No. of Law.</u>	<u>Title.</u>	<u>Extent of Repeal.</u>
14 of 1919.	A Law to impose a duty on entertainments to which the public are admitted on payment.	The whole Law.
15 of 1920.	A Law to amend and make permanent the duty on entertainments imposed by Law 14 of 1919.	The whole Law.
22 of 1923.	A Law to amend a Law to impose a duty on entertainments to which the public are admitted on payment.	The whole Law.
21 of 1924.	A Law to amend a Law to impose a duty on entertainments to which the public are admitted on payment.	The whole Law.

No. 7—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

11th June, 1931.

A LAW to amend the Law to consolidate and amend the  
Resident Magistrates Laws, 1927 (Law 39 of 1927).

[18th June, 1931.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—This Law shall be read and construed as one with Construction.  
the Resident Magistrates Law, 1927 (Law 39 of 1927),  
hereinafter referred to as the principal Law.

2—Section 16 of the principal Law is hereby amended Amendment of  
Section 16 of  
Law 39 of 1927.  
by inserting the words “Law Agents admitted to practise  
in Scotland” between the word “Scotland” and the word  
“of” in the sixth line of the said section.

3—Section 225 of the principal Law is amended by Amendment of  
Section 225 of  
Law 39 of 1927.  
striking out the words from “Provided always” in the  
ninth line to the words “two hundred pounds” in the  
eleventh line of the first paragraph.

4—This Law may be cited as the Resident Magistrates Short Title.  
Law, Amendment Law, 1931.





No. 8—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

16th June, 1931.

A LAW to secure a Pension to Frederick Arthur Gordon Purchas in respect of his services as a District Medical Officer of the Colony.

[The day of the date of any Proclamation notifying that  
His Majesty will not exercise his powers of disallowance.]

**W**HEREAS a Resolution to the following effect— Preamble.

That with reference to the Message from His Excellency the Governor, No. 27, dated the second day of March, one thousand nine hundred and thirty-one, this Council approves of the grant to Dr. F. A. G. Purchas of a pension in respect of his service as District Medical Officer, Clark's Town—was passed on the fourth day of March, one thousand nine hundred and thirty-one:

Be it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—As from the first day of March, one thousand nine hundred and thirty-one there shall be paid to the said Frederick Arthur Gordon Purchas for his life from the General Revenue of this Colony, a pension at the rate of one hundred and twenty pounds per annum: Provided

Pension provi-  
sion F. A. G.  
Purchas.

that such pension shall be payable to the said Frederick Arthur Gordon Purchas only so long as he shall remain resident in this Island: And provided further that such pension shall be deemed to be a pension granted under the Pension Law, 1904 (Law 24 of 1904), or any Law passed in amendment thereof or substitution therefor, and shall be subject to the provisions of the said Law and the regulations made thereunder.

Short Title.

2—This Law may be cited as the Pension Provision (Frederick Arthur Gordon Purchas) Law, 1931.

Coming into  
operation of  
Law.

3—This Law shall not come into operation unless and until the Governor notifies by proclamation published in the Gazette that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation on such day as the Governor shall notify by the same or any other proclamation.

No. 9—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

16th June, 1931.

The Appropriation Law, 1931-1932.

[ 18th June, 1931. ]

**W**HEREAS of the amount of two million one hundred and ninety thousand six hundred and thirty-one pounds required for the service of the Civil Government of this Island and for other purposes, for the Financial Year to end 31st day of March, one thousand nine hundred and thirty-two, the sum of four hundred and eighty-one thousand seven hundred and ninety pounds has been provided for by Law, and it is now requisite to make a further provision of one million seven hundred and eight thousand eight hundred and forty-one pounds:

Be it enacted by the Governor and Legislative Council of Jamaica, as follows:—

1—The Treasurer of the Island shall, on the warrant of the Governor, pay a sum not exceeding in the aggregate one million seven hundred and eight thousand eight hundred and forty-one pounds for defraying the several charges and expenses of the Civil Government of this Island, and for other purposes, for the Financial Year to end on the 31st day of March, one thousand nine hundred and thirty-two set forth in the Schedule to this Law annexed.

346  
9522



## SCHEDULE.

	£
Charges of Debt .. ..	520
Pensions .. ..	8,830
Pensions of Widows and Orphans .. ..	50
Governor and Staff .. ..	2,662
Privy Council .. ..	62
Legislative Council .. ..	3,027
Colonial Secretariat .. ..	9,152
Lands Department .. ..	12,369
Audit Department .. ..	6,449
Public Treasury .. ..	7,382
Currency Commissioners .. ..	1,014
Government Savings Bank .. ..	9,365
Collector General's Department .. ..	89,146
Post Office .. ..	105,616
Supreme Court .. ..	2,522
Law Officers .. ..	3,644
Kingston Court .. ..	1,347
Resident Magistrates' Courts .. ..	17,109
Administrator General's Office .. ..	6,796
Medical—	
General Administration .. ..	56,324
Hospitals and Lepers' Home .. ..	84,904
Lunatic Asylum .. ..	52,571
Constabulary .. ..	193,776
Prisons .. ..	51,297
Industrial School, Stony Hill .. ..	8,707
Education .. ..	206,999
Harbours and Pilotage .. ..	11,559
Marine Board .. ..	1,656
Local Forces .. ..	9,240
Registrar General's Dept. Island Record Office .. ..	4,692
Registration of Titles Office .. ..	3,504
Government Printing Office .. ..	16,384
Board of Supervision .. ..	286
Department of Science and Agriculture .. ..	48,132
Agricultural Loan Societies Board .. ..	1,888
Subventions .. ..	41,840
Miscellaneous .. ..	67,373
Railway .. ..	68,434
Public Works Department .. ..	66,486
Public Works, Annually Recurrent .. ..	295,029
Public Works, Extraordinary .. ..	70,270
Colonial Development Fund .. ..	60,428
	<hr/>
	£1,708,841

No. 10—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

16th June, 1931.

A LAW to amend the Local Improvement Law, 1914.

[18th June, 1931.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law shall be read as one with the Local Improvement Law, 1914 (Law 22 of 1914) hereinafter referred to as the principal Law. Construction.

2—Sub-section (1) of section 4 of the principal Law is hereby amended by inserting between the words “person” and “laying” in the first line the words “shall before” and by deleting the word “shall” in the third line of the said sub-section. Amendment of section 4 (1) of principal Law.

3—Section 6 of the principal Law is hereby repealed and the following section substituted in lieu thereof:— Repeal of section 6 of principal Law and substitution of new section.

“6—If the owner shall fail to execute the street works shewn in the specifications, plans and sections (if any) or as the same may have been altered or amended by the Board or any part thereof within the time prescribed by the Board as provided in



the next preceding section, the Board may execute the said works or such part thereof as shall not have been executed in accordance with the said specifications, plans and sections and the expenses incurred by the Board in executing such works, together with a commission not exceeding six pounds per centum in addition to the actual cost, shall be recoverable from the owner as a debt due to the Board and shall until payment thereof be a charge on the land shewn in the map deposited as provided in section 4 of this Law in priority to all mortgages, charges, estate and interest created subsequent to the deposit of such map."

Repeal of section  
8 of principal  
Law and  
substitution of  
new section.

4—Section 8 of the principal Law is hereby repealed and the following section substituted in lieu thereof:—

- " 8 (a) Every person who shall lay out or sub-divide land for the purpose of building thereon or for selling the same in lots before depositing with the Board a map of such land provided by this Law;
- (b) Every person who shall proceed with or aid or assist in the laying out or sub-dividing of any land before the Board shall have sanctioned the map deposited as provided in this Law;
- (c) Every person who shall proceed with or aid or assist in the laying out or sub-dividing of land or building otherwise than in accordance with the sanction of the Board;
- (d) Every person depositing a map and obtaining the sanction of the Board and who shall neglect or fail to perform the street works within the time prescribed by the Board;
- (e) Every person who shall contravene or fail to comply with any condition prescribed by the Board under section 5 of this Law; and
- (f) Every person who shall commit a breach of any regulation made under this Law;

shall be guilty of an offence against this Law and shall on summary conviction before a Resident Magistrate or two Justices of the Peace be liable to a penalty not exceeding

one hundred pounds or in default of payment to be imprisoned with or without hard labour for a term not exceeding six months and in the case of a continuing offence to a further penalty not exceeding ten pounds for each day during which the offence continues and in default of payment of such penalty to be imprisoned with or without hard labour for a term not exceeding fourteen days."

5—This Law may be cited as the Local Improvement Short Title. Amendment Law, 1931.



JAMAICA.

No. 11—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

16th June, 1931.

A LAW further to amend the Kingston Building Law  
(Law 5 of 1883).

[18th June, 1931.]

BE it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—Part I of the Second Schedule to the Kingston  
Building Amendment Law, 1908 (Law 2 of 1908) is hereby  
repealed and the following substituted therefor:—

Repeal of Part  
I of Second  
Schedule of Law  
2 of 1908 and  
substitution  
made therefor.

“PART I.

	£	s.	d.
For every building not exceeding 100 square feet in area and of one storey only in height . .	0	3	6
For every building above 100 and not exceeding 200 square feet	0	7	0
For every building above 200 and not exceeding 300 square feet	0	10	6



	£	s.	d.
For every building above 300 and not exceeding 400 square feet	0	15	0
For every additional square 100 feet or fraction of such square	0	2	6
For every building not exceeding 400 square feet in area and of two stories in height ..	1	10	0
For every additional square 100 feet or fraction of such square	0	2	6
For every additional storey ..	0	5	0
For every latrine ..	0	5	0

#### FEES FOR ADDITIONS AND ALTERATIONS.

For every addition or alteration made to any building after the roof thereof has been covered in, the fee shall be one half of the fee charged in the case of a new building calculated upon the area of the whole building.			
For inspecting the formation of openings in party walls (for each opening) ..	0	10	0
For inspecting the closing of openings in party walls (for each opening) ..	0	10	0

#### TEMPORARY STRUCTURES.

For every temporary structure the fee shall be one half of the fee charged in the case of a new building calculated upon the area of the whole building ..

#### REPAIRS TO EXISTING BUILDING.

For all repairs to existing buildings the fees shall be one quarter of the fees charged in the case of a new building calculated upon the area of the whole building."

2—Section 2 of the Kingston Building Law, 1914 (Law 18 of 1914) which repeals section 5 of the Kingston Building Law, 1883, Amendment Law, 1907 (Law 24 of 1907) and substitutes for it a new section, is hereby amended by adding at the end of sub-section (1) of the substituted section the following proviso:—

Amendment of  
section 2 of  
Law 18 of 1914.

“ Provided also that the Surveyor may in his discretion accept a notice unaccompanied by plans and approve of the building proposed subject to such written instructions or directions as may from time to time be given by the Surveyor or Building Authority, and in such case any failure to comply with any of such instructions or directions shall for the purposes of the next sub-section be deemed to be a deviation from the approved plan.”

3—This Law may be cited as the Kingston Building Law, Further Amendment Law, 1931, and shall be read and construed with the Kingston Building Law, 1883 and any Laws amending the same.

Short Title.



No. 12—1931.

I assent,

[L.S.]

R. E. STUBBS,  
*Governor.*

6th June, 1931.

A LAW to consolidate and amend the Laws relating to  
the Kingston and St. Andrew Corporation.

[6th June, 1931.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—This Law is divided into parts as follows:—

- |            |  |
|------------|--|
| Part I.    | Preliminary.                                 |
| Part II.   | Constitution and Government of Municipality. |
| Part III.  | Preparation for and procedure at elections.  |
| Part IV.   | Offences in connection with elections.       |
| Part V.    | Election Petitions.                          |
| Part VI.   | Meetings and Proceedings of the Council.     |
| Part VII.  | Rates.                                       |
| Part VIII. | Corporate Property.                          |
| Part IX.   | Licenses.                                    |
| Part X.    | Police Regulations.                          |
| Part XI.   | Finance.                                     |
| Part XII.  | Improvements.                                |
| Part XIII. | General.                                     |



## PART I.

## PRELIMINARY.

Interpretation  
of terms.

- 2—In this Law unless the context otherwise requires—
- (a) "Corporate Area" means the area defined and described in the first schedule to this Law.
  - (b) "Corporation" means the body corporate constituted by the incorporation of the inhabitants of the parish of Kingston and St. Andrew.
  - (c) "Corporate Land" means land belonging to or held in trust for the Corporation, or land occupied and controlled by the Corporation.
  - (d) "Corporate Office" means the Office of the Mayor, Deputy Mayor, Alderman or Councillor.
  - (e) "Council" means Council of the Corporation.
  - (f) "Municipal Works" means and includes reconstruction or repair of streets, making of new streets, water works and water supplies and any extensions thereof, sewerage schemes and extensions thereof, lighting schemes either by gas or electricity and extensions thereof, and any other public work within the corporate area declared by resolution of the Council, approved by the Governor in Privy Council as a municipal work.
  - (g) "Owner" means the person in possession of or in receipt either of the whole or of any part of the rents or profits of any land or tenement whether in his own right or as a trustee or personal representative of any other person, or in the occupation of such land or tenement other than as a tenant from year to year or for any less term or as a tenant at will.
  - (h) "Premises" include messuages, buildings, lands, easements, and hereditaments of any tenure.
  - (i) "Prescribed" means prescribed in the provisions of this Law or under any by-laws, rules or regulations made under the provisions of this Law.
  - (j) "Reputed Owner of any building or of any vacant lot of land" means the person entered as the owner of any such building or of such vacant lot

of land in the Valuation Roll for the time being in force.

- (k) "The Board of Health" means the Central Board of Health appointed and acting under the Health Laws for the time being in force in the Island.
- (l) "Town Clerk" means the person for the time being holding the office of Town Clerk and Treasurer under the Council and any person acting as Town Clerk and Treasurer.
- (m) "City Engineer" means the person for the time being holding the office of City Engineer under the Council and any other person for the time being performing the duties of the City Engineer with the authority of the Council.
- (n) "Valuation" means the assessed value of any holding of real property in the corporate area assessed under the provisions of the Valuation Law 1911, (Law 3 of 1911) or any Law now or hereafter passed in amendment thereof or substitution therefor.
- (o) "The Settled Voters List" means the settled list made under the Registration of Voters Law (Law 52 of 1908) or any Law now or hereafter passed in amendment thereof or substitution therefor.
- (p) "Water Works" means all existing or new Water Works for the supply of water and all dams, tanks, wells, and other receptacles for water, reservoirs and appurtenances thereto situate within the corporate area, and includes all aqueducts, gullies, drains, culverts, pipes, streams and rivers and all other means and apparatus in any way built, constructed, diverted or used for the purpose of supplying the corporate area with water, under the control and management of the Council.

3—The schedules in this Law shall be read and have *Schedules.* effect as if they were part of this Law.



## PART II.

## CONSTITUTION AND GOVERNMENT OF THE MUNICIPALITY.

Inhabitants of  
Kingston and  
St. Andrew  
hereby declared  
to be a Municipal  
Corporation.

4—(1) The inhabitants of the parish of Kingston and of the parish of St. Andrew are hereby declared to be a Municipal Corporation bearing the Corporate name of "The Kingston and St. Andrew Corporation" and by such name shall have perpetual succession.

Seal.

(2) The Corporation shall have and use a Common Seal to be approved and from time to time altered by the Council, and such Seal shall be judicially noticed.

## EXTENT AND DIVISION OF THE CORPORATE AREA

Corporate  
area.

5—(1) For the purposes of this Law, the parishes of Kingston and St. Andrew shall include all the lands and houses and buildings within the boundaries set forth in the first schedule to this Law and therein described as the corporate area.

(2) The parishes of Kingston and St. Andrew shall be and are hereby divided into one Urban, one Suburban and one Rural District which districts are defined and described in the second schedule to this Law.

## VOTERS.

Voters must be  
registered.

6—(1) A person shall not be deemed to be a voter for any purposes of this Law unless he is registered as a voter.

Qualifications  
of Voters.

(2) A person shall not be entitled to be registered as a voter, unless—

- (i) he has attained the age of twenty-one years;
- (ii) is under no legal incapacity;
- (iii) is a British subject by birth or naturalisation or marriage, and
- (iv) either—

- (a) is on the thirty-first day of January, in any year, and has since the first day of April then preceding been an occupier as owner or tenant of a dwelling house, or in possession of real property within the corporate area capable of being, during such occupation or possession, rated in respect of the

general rate and has during the said period paid taxes thereon or therefor to the amount of not less than ten shillings; or

- (b) is on the thirty-first day of January, in any year possessed of personal property in respect of which he has, since the preceding first day of April, paid within the corporate area, taxes to the amount of not less than one pound ten shillings, and ordinarily resides within the corporate area; or
- (c) possesses a salary qualification, that is to say is, in the corporate area, in receipt of a salary or wages aggregating fifty pounds per year and upwards; or
- (d) possesses an income qualification, that is to say is in the corporate area a tenant of a dwelling house or part of a dwelling house or of a tenement or part thereof in which he carries on his business or practises his profession, and in respect of which he pays rent amounting to not less than ten pounds during the year, and is in receipt of an income amounting to fifty pounds per year and upwards:

- Provided—(i) that no person shall be registered as a voter who has been sentenced by any Court in His Majesty's dominions to death or penal servitude, or imprisonment with hard labour or for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced, or such other punishment as by competent authority may have been substituted for the same, or received a free pardon from His Majesty.
- (ii) that no person shall be registered as a voter in any year who has, since the preceding first day of April, received any relief from public or parochial funds.



Qualification of  
Female Voters.

(3) Every female person who is qualified as above mentioned, subject to the modifications in this sub-section expressed, shall be entitled to be registered in any year as a voter in the corporate area, under the provisions of this Law. The modifications aforesaid shall be as follows:

- (i) she has attained the age of twenty-five years;
- (ii) is literate;
- (iii) is qualified under (a) of sub-section (2) of this section, and has paid taxes to an amount of not less than two pounds during the period mentioned in the sub-clause.
- (iv) is qualified under (b) of sub-section (2) of this section, and has paid taxes to an amount of not less than two pounds during the period mentioned in the sub-clause.

Female Voters' rights.

7—Every female person so registered shall have all the rights and privileges of voting to which male persons registered under this Law are entitled.

Female Voters may be elected to Council.

8—A female person entitled to be registered as a voter under this Law, and so registered, shall be eligible for election as a Councillor under this Law.

#### COUNCIL, MAYOR AND COUNCILLORS.

Corporation and Council.

9—(1) The Corporation shall be capable of acting by the Council, and the Council shall exercise all powers vested in the Corporation or the Council by this Law or otherwise.

(2) The Council shall consist of the Mayor, Aldermen and Councillors.

Councillors.

10—(1) There shall be eight Councillors who shall be fit persons elected by the voters.

(2) Four Councillors shall be returned for the Urban District, two Councillors for the Suburban District, and two Councillors for the Rural District.

(3) In addition to the Councillors elected by the voters, the following persons shall also be Councillors, namely:—

The member from time to time elected to the Legislative Council as the representative for the parish of Kingston.

The member from time to time elected to the Legislative Council as the representative for the parish of St. Andrew.

The person for the time being holding the office of Custos Rotulorum or acting as Custos Rotulorum for the parish of Kingston.

The person for the time being holding the office of Custos Rotulorum or acting as Custos Rotulorum for the parish of St. Andrew.

Provided always that if at any time the Custos Rotulorum or the acting Custos Rotulorum either for the parish of Kingston or for the parish of St. Andrew, shall also be the elected member of the Legislative Council for the parish of which he is Custos Rotulorum or acting Custos Rotulorum, the Council shall nevertheless be deemed to be fully constituted for the purposes of this Law.

11—A person shall not be qualified to be elected or to be or continue to be an elected Councillor who:—

Qualifications of  
Councillors.

- (1) is not able to read and write English, and is not in fact registered and entitled to be registered as a voter and entitled to vote as such; or
- (2) is the holder of any office of emolument under the Crown, or under the Government of Jamaica; or
- (3) is not entitled to vote at the election of a Member of the Council; or
- (4) does not possess one of the following qualifications, viz.:—
  - (a) a clear annual income of £150, arising from lands belonging to him in his own right:
  - (b) a clear annual income of £200, arising partly from lands belonging to him as aforesaid and partly from any freehold office, or any business, after deducting all charges and expenses of such office or business:
  - (c) a clear annual income of £300, arising from any freehold office or any business, after



deducting all charges and expenses of such office or business:

- (d) the payment annually of direct taxes to the amount of not less than £10 in respect of property belonging to himself.
- (5) is either directly or indirectly pecuniarily or otherwise interested in any contract with the Council although such contract shall by virtue of the provisions hereinafter contained be null and void: Provided that no person shall be deemed to be directly or indirectly pecuniarily or otherwise interested in any contract with the Corporation within the meaning of this section by reason only of his being interested:
  - (a) in any agreement for the loan of money or any security for the payment of money, or
  - (b) in any newspaper in which any advertisement relating to the affairs of the Corporation is inserted, or
  - (c) in any sale, purchase or lease of land to or from the Corporation, or
  - (d) in any incorporated Company or Society which contracts with the Corporation in which he does not hold more than one-tenth of the shares: Provided that he shall not take part in any discussion or vote on any question in which any company of which he is a director or shareholder is interested, at any meeting of the Council or of any committee thereof: Provided further that the seat of a duly elected member shall not be vacated under the provisions of this Law merely by reason of his being interested in a contract with such Company or Society unless it appears that the contract has been entered into with the actual knowledge of the member.

**Provided also that the existence of any**

such contract shall not disqualify any person to be elected or to be an elected Councillor if made after he became such Councillor it has been entered into with the express sanction, or if made before he became such Councillor, it has received, prior to his nomination as a candidate, the subsequent approval of the Governor in Privy Council.

- (6) No person shall be capable of being elected a member of the Council, or having been elected shall sit or vote in the Council unless he either has resided in the Corporate Area for twelve months immediately preceding the day of election, or possesses a clear annual income of £150 arising from lands in the Corporate Area belonging to him in his own right.
- (7) It shall not be lawful for any person to be nominated as candidate for election for more than one district at the same election, and no Councillor shall represent more than one district in the Council at the same time, and no Councillor shall be nominated for election in any district until he shall have resigned his office as Councillor.

#### ALDERMEN.

12—(1) The Aldermen shall be fit persons elected by the Council. They shall be elected by the Council from the voters holding qualifications necessary to entitle them to be elected as Councillors. Aldermen.

(2) The number of Aldermen shall be two.

(3) A person who is holding the office of Councillor shall not be qualified to be elected or to be an Alderman.

(4) The term of office of an Alderman shall be one year provided that a retiring Alderman shall continue in office until his successor has been appointed and has accepted office and that he shall also be eligible for re-election.



Persons disqualified from being Councillors.

13—A person shall be disqualified from being elected to or holding a corporate office—

- (a) if and while he holds any office or place of profit other than that of Mayor or Deputy Mayor in the gift or disposal of the Council,
- (b) if and while he is an undischarged bankrupt,
- (c) if he has been convicted of treason or felony or of any offence involving dishonesty, or of bribery or corrupt practices.

Term of office of Councillor.

14—The term of office of an elected Councillor shall be three years.

The Mayor.

15—(1) The Mayor shall be a fit and proper person elected by the Council from among the Aldermen and Councillors.

Term of office of Mayor.

(2) The term of office of the Mayor shall be one year: Provided always that no person shall serve as Mayor for more than three years in succession; and provided further that notwithstanding anything to the contrary in this section contained, he shall continue in office until his successor in office has accepted office and made and subscribed the required declaration.

(3) The Mayor shall receive the sum of three hundred pounds per annum as a personal allowance to be paid out of corporate funds.

(4) The Mayor or Deputy Mayor shall not by reason of the receipt of such personal allowance be disqualified from being an elected Member of the Legislative Council, or be subject to any penalty for sitting and voting as such Member while holding such appointment.

Deputy Mayor election of

16—(1) The Council may elect any Alderman or Councillor to be the Deputy Mayor to hold office during the term of office of the Mayor; and in the absence or illness of the Mayor, such Deputy Mayor shall be deemed to have authority to exercise all the powers and discharge all the duties vested in and imposed upon the Mayor under and by virtue of this Law and any other Law amending the

same, and all things done, exercised or suffered by the Deputy Mayor as aforesaid, shall be as valid and effectual in all respects as if they had been done, exercised or suffered by the Mayor.

(2) In the event of the death, resignation or disqualification from any cause of the Mayor, the Deputy Mayor shall forthwith succeed to the office of Mayor, and shall continue in such office until the time when the Mayor whom he succeeded would have gone out of office, and he shall then go out of office.

(3) In the event of the death, succession to office of Mayor, resignation or disqualification from any cause of the Deputy Mayor, the Council may appoint any other Alderman or Councillor to be the Deputy Mayor to hold office for such term not exceeding the term of office of the then Mayor as the Council may by resolution determine.

(4) If the Mayor is dead, or is absent, or otherwise incapable of acting in the exercise of his powers and duties under this or any other Law for the time being in force, and the Deputy Mayor is also incapable of acting for any of the reasons hereinbefore specified, the Council shall forthwith elect an Alderman or Councillor to execute these powers and duties in place of the Mayor for such term as the Council may by resolution determine.

(5) In the event of a Deputy Mayor appointed by the Council holding office for one month or more, he shall be entitled to draw the proportionate part of the allowance that belongs to the office of Mayor.

17—The Mayor and Deputy Mayor during their tenure of office respectively, shall be exempted from service as jurors in all Courts of the Island.

Mayor and  
Deputy Mayor  
exempted from  
service as jurors

#### OFFICERS OF THE COUNCIL.

18—The Council may from time to time, subject to confirmation by the Governor, appoint a fit person not being a member of the Council, to be the Town Clerk and Treasurer of the Corporate Area, and he shall hold office

Town Clerk  
appointment of.



during good behaviour, and the Council may remove him from office subject to the approval of the Governor for any such misconduct as would warrant removal from any office held during good behaviour.

Duties and  
responsibilities  
of Town Clerk.

19—(1) The Town Clerk shall have the charge and custody of and be responsible for the charters, deeds, records and documents of the Corporation, and they shall be kept as the Council directs.

(2) The Town Clerk shall in books to be kept by him for that purpose, enter true accounts of all moneys received by him and paid on behalf of the Council and of the several matters for which such moneys shall have been received and paid, and the said books shall at all times be open to inspection by the Mayor, Aldermen and Councillors or any of them.

(3) The Town Clerk shall attend all meetings of the Council, and shall draw up the minutes of such meetings and shall cause the same to be printed and bound and kept in annual volumes or otherwise as the Council may direct.

(4) He shall also whenever required, attend meetings of any Committee of the Council and draw up the minutes or reports thereof, as the case may be.

(5) The Town Clerk shall give such security for the due performance of his duties and in such amount as the Council shall determine.

(6) The Town Clerk shall, during his tenure of office, be exempted from service as a juror in all Courts of the Island.

Deputy Town  
Clerk, appoint-  
ment of.

20—(1) The Council may from time to time, subject to approval of and confirmation by the Governor, appoint a fit person not being a member of the Council, to be the Deputy Town Clerk of the Corporate Area who shall hold office during the pleasure of the Council.

(2) In the case of the illness, absence, resignation or death of the Town Clerk, the Deputy Town Clerk, if any, shall act as Town Clerk, until the Council shall appoint a fit and proper person, not being a member of the Council, to act as Town Clerk, and any such acting appointment shall be subject to the approval of and confirmation by

the Governor; and all things required or authorised by Law to be done by or to the Town Clerk, shall be done by or to the Deputy Town Clerk or the person so appointed.

21—A vacancy in the office of Town Clerk shall be filled within six months after such occurs.

Filling of  
vacancy in office  
of Town Clerk.

22—(1) The Council shall, subject to the approval of and confirmation by the Governor, appoint a City Engineer.

City Engineer,  
appointment of.

(2) The Council may from time to time appoint and employ, at such remuneration as they may think reasonable and on such terms and conditions as they may think fit, such other officers and servants as they may deem necessary for the efficient discharge of their duties under this Law, and such officers shall hold their office during the pleasure of the Council: Provided always that any appointment to an office to which the salary or remuneration attached exceeds three hundred and fifty pounds per annum shall be subject to the approval of and confirmation by the Governor.

23—The Council may require any officer appointed by them to give such security as they think proper for the due execution of his office.

Giving of  
security by  
officers.

24—Unless and until other arrangements are made with the sanction and approval of the Governor and subject to the provisions of this Law, all officers and servants holding office under the provisions of The Kingston and St. Andrew Corporation Law, 1923, (Law 3 of 1923) as amended by any other Law, shall from and after the commencement of this Law, continue to hold their respective offices or employments by the same tenure and upon the same terms as before.

Continuance of  
officers in offices.

25—(1) Every officer appointed by the Council shall at such times during the continuance of his office or within 14 days of his ceasing to hold it, and in such manner as the Council direct, deliver to the Council or as they may direct, a true account in writing of all matters committed

Officers to  
deliver to  
Council from  
time to time  
accounts of  
their receipts  
and payments,  
etc.



to his charge and of his receipts and payments with vouchers, and a list of persons from whom money is due, for the purposes of this Law in connection with his office, showing the amount due for each.

(2) Every such officer shall pay all such money due from him to the Town Clerk, or as the Council may direct.

Procedure  
where any officer  
refuses or  
neglects to  
deliver accounts,  
etc.

(3) If any such officer—

(a) refuses or wilfully neglects to deliver any account or list which he ought to deliver, or any voucher relating thereto, or to make any payment which he ought to make; or

(b) after three days' notice in writing signed by the Town Clerk or by three members of the Council given or left at his last known place of abode, refuses or wilfully neglects to deliver to the Council, or as they may direct, any book or document which he ought so to deliver, or to give satisfaction respecting it to the Council or as they may direct, the Resident Magistrate for Kingston or a Justice of the Peace, shall upon complaint made on behalf of the Council by any person authorised in writing by them, issue a summons to him to appear or issue a warrant under his hand to bring such officer before the Resident Magistrate, and upon such officer appearing or not appearing in answer to such summons or not being found, it shall be lawful for the Resident Magistrate to hear and determine the matter in a summary manner.

(4) If it shall appear to the Resident Magistrate that any sums of money are due by such officer to the Council, and the officer does not forthwith or within such time as the Resident Magistrate shall allow, pay over the sum to the Council, the Resident Magistrate shall cause such sums to be levied by distress and sale of the goods of the officer.

(5) If—

(a) sufficient goods are not found to satisfy the moneys in the preceding subsection mentioned, and the charges of the distress; or

(b) if it should appear to the Resident Magistrate that the officer has been guilty of any neglect

or refusal under subsection (3) hereof specified, the Resident Magistrate shall commit the officer to prison, there to remain without bail until he has paid to or compounded with the Council for any moneys found to be due as aforesaid or until he has purged himself of the neglect or refusal hereinbefore mentioned.

(6) No person committed to prison for want of sufficient distress only shall be detained therein for a longer period than three months.

(7) Nothing in this section shall affect any remedy by action against any such officer or his surety except that the officer shall not be both sued by action and proceeded against summarily for the same cause.

26—The Council may with the approval of the Governor in Privy Council, from time to time make such regulations as to them may seem proper for the good government of the officers of the Council, including regulations with respect to the granting of leave of absence to such officers, and all such regulations made by any of the bodies dissolved by Law 3 of 1923 as are in force at the commencement of this Law, shall continue to be in force after the commencement of this Law until altered or revoked by the Council with the approval of the Governor in Privy Council.

Council may  
make regulations

#### PENSIONS AND SUPERANNUATION ALLOWANCES.

27—(1) The Council may, with the approval of the Governor in Privy Council, grant to any officer or servant of the Corporation who has served in an established capacity as a permanent officer, or servant a pension superannuation allowance or gratuity under such rules and regulations as the Council, subject to the approval of and confirmation by the Governor in Privy Council, are hereby authorised to make. Any existing regulations relating to the grant of superannuation allowances as are in force at the commencement of this Law, shall continue to be in force until revoked or altered by the Council with the approval of the Governor in Privy Council.

Council may  
grant super-  
annuation  
allowances or  
gratuities.

(2) Every pension superannuation allowance or gratuity granted to an officer or servant of the Corporation under this Law, shall be charged to and paid out of the fund



or funds on which the salary, wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

No absolute right to compensation, etc.

28—Nothing in this Law shall give any officer or servant of the Corporation any absolute right to compensation for past services or to any pension superannuation or retiring allowance or interfere with the power to dismiss any such officer or servant without any compensation or allowance.

#### DECLARATION OF QUALIFICATION AND OATH OF OFFICE.

Declaration, making of, etc.

29—A person elected to a corporate office shall not, until he has made and subscribed before the Town Clerk, a declaration in the form set forth in the third schedule to this Law, act in such office except in administering that declaration.

Declaration as to qualifying property or income.

30—(1) Every Alderman or Councillor who shall have made and subscribed the foregoing declaration in respect of his qualifying property or qualifying income, shall once in every three months if required in writing so to do by any two members of the Council, make and subscribe a declaration that he is qualified to the extent of the qualifying property or income mentioned in the declaration originally made and subscribed by him.

(2) Any request as in the foregoing sub-section mentioned shall be sent to the Town Clerk who shall within three days of the receipt thereof serve or cause to be served a certified copy of the same upon the person therein named and the Town Clerk shall report to the next meeting of the Council whether the declaration has or has not been made.

Oath, taking of, etc.

31—Every person elected to a corporate office shall at the first regular meeting of the Council which he attends after having made and subscribed the declaration prescribed in the foregoing sections, take and subscribe the following Oath of Office which shall be tendered to him by the Town Clerk and attested by the Mayor:—

*Form of Oath of Office.*

I.....  
having been duly elected to the office of.....  
of The Kingston and St. Andrew Corporation, do hereby  
swear that I will duly and faithfully fulfil the duties of  
such office without fear or favour, partiality or ill will,  
and to the best of my judgment and ability, so help me  
God.

32—(1) A person elected to a corporate office may at any time by writing signed by him and delivered to the Town Clerk, resign the office. Resignation  
from office.

(2) In any such case the Council shall, unless the office so resigned be that of Mayor, forthwith declare the office to be vacant and signify the same by notice in writing signed by three members of the Council and countersigned by the Town Clerk and fixed upon the office of the Council, and the office shall thereupon become vacant.

33—A person ceasing to hold a corporate office shall, unless disqualified to hold the office and subject to the express provisions of this Law, be re-eligible. Re-eligibility.

34—(1) If a person elected to a corporate office—

- (a) is declared bankrupt, or compounds by deed with his creditors, or makes an arrangement or composition with his creditors under the Bankruptcy Laws for the time being in force by deed or otherwise; or
- (b) is absent from three consecutive ordinary meetings of the Council without the leave of the Council; or
- (c) refuses or neglects to take and subscribe the oath of office hereinbefore prescribed, he shall thereupon immediately become disqualified and shall cease to hold the office.
- Procedure  
where a person  
elected to a  
corporate office  
is declared a  
bankrupt, etc.  
or is absent from  
Council meetings

(2) In any such event the Council shall forthwith declare the office to be vacant and signify the same by notice in writing signed by three members of the Council and countersigned by the Town Clerk and fixed upon the Council offices, and the office shall thereupon become vacant.



(3) Where a person becomes disqualified by being declared bankrupt, or compounding or making an arrangement or composition as aforesaid, the disqualification, as regards subsequent elections, shall, in the case of bankruptcy, cease on his obtaining his order of discharge, and shall, in cases of compounding or composition as aforesaid, cease on payment of his debts in full, and shall, in the case of an arrangement as aforesaid, cease on his obtaining his certificate of discharge.

(4) Where a person becomes disqualified by absence from meetings or refusal or neglect to take and subscribe the oath of office, the disqualification as regards subsequent elections shall cease at the end of the term of office during which such disqualification took place.

(5) Where a person becomes disqualified by being convicted of treason or felony or of any offence involving dishonesty or of bribery or corrupt practices, the disqualifications as regards future elections shall cease at the expiration of seven years from the date of the conviction.

(6) If any person acts in a corporate office without having made the declaration by this Law required, or without being qualified at the time of making the declaration, or after ceasing to be qualified or after becoming disqualified, he shall for each offence be liable to a fine not exceeding fifty pounds recoverable summarily before a Resident Magistrate or two Justices of the Peace.

Casual vacancy  
filling of.

35—(1) On a casual vacancy in any corporate office, other than that of Mayor, an election shall be held by the same persons and in the same manner as an election to fill an ordinary vacancy, and the person elected shall hold the office until the time when the person in whose place he is elected would have gone out of office, and he shall then go out of office.

(2) Non-acceptance of office by a person elected, creates a casual vacancy.

(3) The election to fill a casual vacancy shall be held within thirty days after notice in writing of the occurrence of such vacancy has been given to the Mayor or the Town Clerk by two voters.

### PART III.

#### PREPARATION FOR AND PROCEDURE AT ELECTIONS.

36—(1) The Town Clerk shall, on or before the first day of June in each year, make out a list to be called the Voters List, of all persons who are entitled to be registered as voters for the year within the corporate area, and shall sign such list. Such list shall be made out from the Settled Voters List with such alterations, amendments and additions as may be necessary under the provisions of this Law.

Voters list to be made out by Town Clerk on or before 1st day of June in each year.

(2) The voters list shall be made out under several heads according to the number of districts into which the corporate area is divided, and shall distinguish under each district in alphabetical order, the persons entitled to be registered as voters within such district.

(3) A voter who has the necessary qualifications under this Law shall be entitled to be registered in each district in which he has such qualifications.

(4) For the purposes of the first election to be held under the provisions of this Law, the first Voters List shall be made out by the Collector-General in accordance with the foregoing provisions.

(5) In the first voters list the Collector-General shall, so far as possible, cause to be added and registered against the name of all voters possessing any of the qualifications prescribed for voters, male or female, under this Law, particulars of such qualifications.

(6) With reference to all subsequent voters lists the Collector of Taxes for each of the parishes of Kingston and Saint Andrew shall include and register in all voters lists to be prepared and published by him under the provisions of The Registration of Voters Law, 1908, (Law 52 of 1908) and of any Law passed in amendment thereof or substitution therefor, the particulars of the qualifications to be possessed by voters under this Law, and the Town Clerk shall cause the same to be added and registered in the voters list against the name of all voters possessing any of the said qualifications.

(7) Any person, male or female, possessing any of the qualifications required of a voter under the provisions of



this Law, who desires to have such qualifications registered, shall in the case of the first voters list, not later than the 15th day of June, give notice in writing to the Collector-General of his or her desire to have such qualification added and registered against his or her name in the voters list, and thereupon the Collector-General shall cause such qualification to be added and registered accordingly. With reference to all subsequent voters lists, the notice to be given as aforesaid, shall be addressed to the Collector of Taxes for the parish of Kingston or St. Andrew, as the case may be, not later than the 31st day of January, and thereupon the Collector of Taxes shall cause such qualifications to be included and registered in all voters lists to be prepared and published by him under the provisions of the Registration of Voters Law, 1908, (Law 52 of 1908) and of any Law passed in amendment thereof or substitution therefor; and the Town Clerk shall cause the same to be added and registered in the voters list against the name of all voters possessing any of the said qualifications. The notice required by this sub-section shall be in the Form A in the fifth schedule to this Law.

Publication of  
voters list.

37—(1) The first voters list shall be published by affixing a copy thereof in some conspicuous place in the office of the Registry of the Supreme Court and in some other public and conspicuous places within the corporate area appointed by the Governor and notified in the Gazette. Such copy shall be affixed for a period of two weeks.

(2) All subsequent voters lists shall be published by affixing a copy thereof on or near the outer door of the office of the Council, or in some other conspicuous place therein for a period of two weeks from the first day of August in each year.

(3) The voters list may be in the form in the fourth schedule to this Law or in such other form as the Council after its constitution may from time to time appoint.

Procedure where  
person whose  
name or qualifi-  
cation is not in  
voters list claims  
to be entitled to  
have same  
registered.

38—(1) Any person whose name or qualification is not in the voters list published in accordance with the preceding section, and who claims to be entitled to have his name or such qualification entered in such voters list, shall, not later than the fifteenth day of June, give notice in

writing to the Town Clerk of his claim, or in the case of the first election, to the Collector-General.

(2) The notice shall be in the form A in the fifth schedule to this Law.

39—Any person whose name is in the voters list may object to any other person as not being entitled to have his name or qualification retained therein. Objections.

40—(1) Every person so objecting (hereinafter referred to as an "Objector") shall, within fifteen days after the date of the first publication of the list, deliver to the Town Clerk, or in the case of the first election, to the Collector-General and also to the person objected to (hereinafter referred to as the "Respondent") or shall leave at the premises in respect of which the respondent shall appear to be inserted in the voters list, notice thereof in writing. Procedure where objection is made.

(2) The notice shall be in the Form B in the fifth schedule to this Law.

41—(1) In the case of the first election, the Collector-General shall make two separate lists of the claimants and respondents and shall cause copie thereof in the forms C and D in the fifth schedule to this Law, or as near thereto as circumstances will permit, to be fixed in some conspicuous place in the office of the Registry of the Supreme Court or in some other public and conspicuous place within the corporate area appointed by the Governor and notified in the Gazette. Such copy shall be affixed for a period of two weeks after publication in the Gazette. Claimants and respondents.

(2) In all subsequent elections the Town Clerk shall make two separate lists of the claimants and respondents and shall cause copies thereof in the forms C and D in the fifth schedule to this Law, or as near thereto as circumstances will permit, to be fixed on or near to the outer door of the office of the Council or in some other public and conspicuous place in the corporate area appointed by the Council, during the last seven days of August in each year.

(3) The Town Clerk or Collector-General in the case of the first election shall also keep a copy of each of such lists



open to public inspection without any fee, at all reasonable hours during the last seven days of August and shall deliver a copy of any such list to any person requiring it on payment of the sum of one shilling for each such list.

Holding of  
Court for  
revision of  
voters list.

42—(1) The Resident Magistrate for the parish of Kingston, or some other fit and proper person appointed by the Governor not later than the tenth day of July, in each year, shall be the revising officer to hold a Court for the purpose of revising the voters list for the first and every subsequent election. Such revising officer shall receive such remuneration out of the funds of the Corporation as the Governor in Privy Council shall determine.

(2) Such Court shall be an open Court and shall be held on some day to be appointed by the Governor between the thirtieth day of June, and the tenth day of July, both days inclusive.

(3) In the case of the first election the Collector-General shall give three clear days' notice of the holding of the Court by affixing a notice thereof in some conspicuous place in the Registry of the Supreme Court and at the several Police Stations in the corporate area.

(4) In the case of all subsequent elections, the Town Clerk shall give three clear days' notice of the holding of the Court by affixing a notice thereof on or near the outer door of the office of the Council and at the several Police Stations in the corporate area.

Procedure at  
opening of  
Court.

43—The Town Clerk, or in the case of the first election, the Collector General or some other officer appointed by him, shall, at the opening of the Court, produce the Voters List and a copy of the lists of claimants and respondents, and also all books in his custody containing the names of all persons on the settled voters list in and for the corporate area for the current year, and shall answer upon oath all such questions as shall be put to him.

Insertion in  
voters list of  
names or quali-  
fications of  
claimants.

44—(1) The Court shall insert in the voters list the name or qualification of every claimant who has duly claimed to have his name or qualification entered therein and is proved to the satisfaction of the Court to be so entitled.

(2) The Court shall expunge from the list the name of every person proved to the Court to be dead.

Expunging of names of dead persons.

(3) Subject as aforesaid, the Court shall retain the name or qualification of every person to whom objection has not duly been taken.

Retention of names.

(4) The Court shall also retain the name of every respondent unless the objector appears in support of his objection.

(5) Where the objector so appears, the Court shall require proof of the respondent's qualification, and if it is not proved to the satisfaction of the Court, shall expunge his name from the list.

(6) The Court shall correct any mistake and supply any omission proved to the Court to have been made in any of the district lists with respect to the name or abode of any person.

Correction of mistake, etc.

(7) The Court may require the Town Clerk or Collector-General or other person having the custody of any book containing any valuation made in any year, to produce the same to the Court for inspection.

(8) The Court may examine on oath the Town Clerk or Collector-General or other person having the custody of any settled voters list, and any claimant, objector, respondent or witness.

(9) The Court shall on the hearing in open Court, determine the validity of all claims and objections.

(10) The revising officer shall in open Court write his initials against all names inserted or expunged, and against any part of the lists in which a mistake has been corrected or any omission supplied, and shall sign his name at the foot of every page so revised.

45—The revising officer may adjourn the Court from time to time, but so that no adjourned Court be held after the fifteenth day of July in any year.

Revising Officer may adjourn Court from time to time.

46—(1) When the voters list has been revised and signed by the revising officer, he shall deliver it to the Town Clerk or in the case of the first election, to the Collector-General, and a written or printed copy thereof shall be prepared and signed by the Town Clerk or the Collector-General

Procedure when voters list has been revised and signed by revising officer.



in the case of the first election, and shall be the voters list of the corporate area for the year.

(2) The voters list shall be completed on or before the fifteenth day of September, in each year and shall come into operation as soon as settled, and shall continue in operation for the twelve months beginning on that day. The first voters list prepared by the Collector-General shall be completed on such day as the Governor may appoint.

(3) Every person registered on the voters list shall be deemed to be registered as a voter, and every person not registered on the voters list shall be deemed to be not registered as a voter.

Voters list, etc.,  
to be printed and  
sold.

47—The Town Clerk, or in the case of the first election the Collector General, shall cause the voters list and the list of claimants and respondents to be printed, and shall deliver copies thereof to any person on payment of one shilling for each copy of either or such lists and the proceeds of such sale shall be received by him on behalf of the Corporation.

#### ELECTION OF COUNCILLORS.

Day for election  
of Councillors.

48—The ordinary day for the election of Councillors shall be the first day of November, and in the case of the first election such day as the Governor shall by proclamation appoint: Provided always that the first Council shall continue until the 31st of October, 1934.

When election or  
nomination  
shall be held.

49—Every election or nomination for election shall be held at such place or places within the corporate area as the Governor may from time to time appoint.

Polling stations.

50—It shall be lawful for the Governor from time to time by proclamation to be published in the Gazette to appoint and fix some one place within the corporate area to be the head polling station for the corporate area, and similarly to appoint and fix some place or places in each district to be a polling place for such district.

First election of  
Councillors,  
notice of.

51—(1) In case of the first election of any Councillors, the Collector-General shall nine days at least before the date fixed for the same, prepare and sign a notice thereof

and shall publish the same in the Gazette and shall affix a copy thereof in some conspicuous place in the Registry of the Supreme Court.

(2) In the case of subsequent elections, nine days at least before the date fixed for the election of any Councilors, the Town Clerk shall prepare and sign a notice thereof and shall publish the same by fixing a copy thereof on the outer door of the office of the Council, and at the several Police Stations in the corporate area.

52—At every election of Councillors the Governor shall appoint some fit and proper person to be a Returning Officer.

Appointment  
of Returning  
Officer and of  
Assessor.

53—The voting at every election shall commence at eight o'clock in the forenoon and shall finally close at five o'clock in the afternoon of the same day.

When voting at  
election shall  
commence.

54—Every candidate for election as a member of the Council, shall be nominated in writing by not less than nine voters of the particular district for which he seeks to be elected. No voter shall be entitled to be a nominator unless he is registered as having one of the following qualifications:—

Nomination of  
candidates for  
election to  
Council.

- (a) is a voter in respect of the payment of rates or taxes or rates and taxes to the amount of six pounds annually; or
- (b) is in receipt of the clear annual income of two hundred pounds; or
- (c) is the owner or tenant of a house or land of the value of three hundred pounds.

55—The Returning Officer shall at the time and place fixed for the election receive such nomination papers as may be tendered to him, and a candidate shall be deemed to be duly nominated if a nomination paper signed by the requisite number of voters qualified to be nominators, be presented to the Returning Officer at the place aforesaid by the candidate himself or by one of the persons who has

Returning  
Officer to receive  
nomination  
papers.



signed the nomination paper. The voters who signed the nomination paper shall certify upon it that to the best of their belief the candidate is qualified for election as a Councillor under the conditions prescribed in this Law. Provided that no candidate for election as a Councillor under the provisions of this Law shall be deemed to be duly and legally nominated unless his or her nomination shall be accompanied by a statement signed by him or her signifying his or her desire to be a candidate, and his or her willingness to serve as a member if elected, and unless his or her nomination shall be further accompanied by a declaration in writing signed by him or her setting forth his or her qualifications and alleging that he or she is, to the best of his or her information and belief, in no way disqualified to be a member of the Council. Until such statement and declaration have been made and furnished the Returning Officer shall not allow the election of a candidate to proceed. If any statement in such declaration is false to the knowledge of the declarant, such declarant shall be liable to be prosecuted and punished for wilful and corrupt perjury and the same shall be a corrupt practice within the meaning of the Election Petitions Law, 1885 (Law 3 of 1885) or of any Law passed in amendment thereof or in substitution therefor.

Procedure  
where only one  
candidate is  
nominated.

56—If at the expiration of one hour after the time appointed for the election the number of candidates duly nominated for each district shall not exceed the number to be elected for each district, such candidates shall be declared to be duly elected and their respective names shall be returned in manner hereinafter mentioned as the respective councillors for the respective districts for which they were respectively nominated.

Poll to be taken  
when more than  
one candidate  
shall be  
nominated.

57—When there shall be more candidates duly nominated in any district than the number entitled to be elected in the district, a poll of the voters shall be taken, and in such case the Returning Officer shall adjourn the election to the seventh day after the day fixed for the election as aforesaid, and a poll shall be taken on such day in manner hereinafter mentioned.

58—In case of a poll at an election of a member, the votes shall be given by ballot. The ballot of each voter shall consist of a paper hereinafter called the ballot paper showing the names and descriptions of the candidates. Each ballot paper shall have a number printed at the back and shall have attached to it a counterfoil with the same number printed on the face.

Vote shall be given by ballot.

59—No person shall be admitted within any polling place during the hours appointed for taking the poll except the Presiding Officer, one agent for each candidate appointed by such candidate in writing, and one voter at a time.

Who are to be admitted within any polling place at taking of poll.

60—In cases where a poll is to take place, the Returning Officer shall take care beforehand that each polling station is provided with proper doors, barriers, tables, chairs and other conveniences, and that the same are properly arranged for carrying out the provisions of this Law, and he shall appoint a Presiding Officer to preside at each polling place, and such clerks and other persons to assist in the taking of the poll as he may deem necessary; and he shall also provide each polling place with a copy of the voters list for the district certified under his hand a proper ballot box and a sufficient number of ballot papers in conformity with the provisions of this Law, and such other conveniences for taking the poll as may be necessary.

Polling station to be provided with proper doors, tables, etc.

61—The Returning Officer shall, on or before the day fixed for the taking of the poll, visit each polling station and see that each such station is provided with proper conveniences as aforesaid for taking the poll.

Returning Officer to visit polling stations before taking of poll.

62—Every voter entitled to vote in the election of a Councillor for any district may vote for a candidate nominated for election as a Councillor for that district by placing in the ballot box a ballot paper marked with his vote by drawing his pen through the full names of all the candidates other than that of the person or persons for whom he wishes to vote.

How a voter entitled to vote may vote for a Councillor.



Agents.

63—The agents aforesaid shall be posted in such a place that they can see each person who presents himself as a voter and hear his name as given in by him and interfere in the proceedings to the extent allowed by this Law, but so that they cannot see how any voter votes or otherwise interfere. If any agent persists after being warned, in contravening these provisions, it shall be lawful for the Presiding Officer to have him turned out of the polling place.

Preserving order.

64—The Presiding Officer may at any time summon constables within the polling place for the purpose of preserving order.

Instructions as to manner of recording vote.

65—The Presiding Officer shall, on request give such instructions as may appear to be necessary to any voter as to the manner in which he should record his vote.

Enquiries as to right of any person to vote.

66—(1) Every voter entitled to vote in the election of a councillor for any district, shall on coming to vote address himself to the Presiding Officer at the polling station and shall state his name and address in an audible voice so that all persons within the polling station may hear the same.

(2) The Presiding Officer shall ascertain if the name of the person appears on the voters list, and if he finds that the name of such person is on the voters list, shall forthwith proceed as in sub-section 4 of this section unless requested by the agent of one of the candidates to put the following questions or any of them to the person:—

(a) Are you the same person whose name appears as 'A.B. on the voters list and is registered under the following description? (here read entry in list in full).

(b) Have you already voted at the present election in this or any other district?

(3) The Presiding Officer shall not deliver a ballot paper to a person required to answer any of these questions until he has answered them satisfactorily. Save as by this Law authorised no enquiry shall be permitted at any election as to the right of any person to vote.



(4) The Presiding Officer in case no questions are asked or where the same be answered satisfactorily, shall proceed to write the number of such voter on the voters list on the counterfoil of a ballot paper and shall mark the back of the paper with an official mark and calling out the name of the voter in an audible voice, deliver such paper to the voter within the polling station. The voter shall then retire to a table apart, but within the polling station, and having secretly marked his vote on the paper and folded it up so as to conceal his vote, but so as to show the official mark at the back, shall place it in the ballot box in the presence of the Presiding Officer, after having shown to him the official mark at the back. The voter having voted shall forthwith leave the polling station. The Presiding Officer after having delivered to the voter a ballot paper, and while the voter is recording his vote, shall make a mark against the name of such voter on his copy of the voters list to indicate that such voter has voted at the election, but not so as to show the particular ballot paper given to such voter.

67—If a person representing himself to be a particular voter named on the voters list applies for a ballot paper after another person has voted as such voter, the applicant shall upon duly answering the questions set forth in the immediately preceding section of this Law, be entitled to mark a ballot paper in the same manner as any other voter; but the ballot paper (hereinafter called the tendered ballot paper) shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box shall be given to the Presiding Officer and endorsed by him with the name of the voter and his number in the voters list and set aside in a separate packet, and shall not be counted by the Returning Officer. The name of the voter and his number on the voters list shall be entered on a list to be called "The Tendered Votes List."

Procedure where a person representing himself as a particular voter applies for a ballot paper after another person has voted as such voter.

68—A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering to the Presiding Officer the ballot paper so inadvertently dealt with, and proving

Spoilt ballot papers.

the fact of the inadvertence to the satisfaction of the Presiding Officer, obtain another ballot paper in place of the ballot paper so delivered up (hereafter called a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled by the Presiding Officer writing the word "cancelled" across the face of same. All cancelled papers shall be preserved by the Presiding Officer and given up by him at the close of the poll to the Returning Officer as hereinafter mentioned.

Procedure where voter is incapacitated by blindness or other physical cause from voting in prescribed manner.

69—If any voter is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Law or by any Law or proclamation in force for the time being, or if any voter shall at the time of polling, in the presence of the officer presiding at the polling station, sign with his mark attested by such Presiding Officer, a declaration that he is unable to read, such Presiding Officer shall at the request of such voter in the presence of the agents of the candidates, cause his vote to be marked on a ballot paper in manner directed by such voter, and the ballot paper marked to be placed in the ballot box, and the name and number of the voters list of the district of every voter whose vote is so marked for him and the reason why it is so marked, shall be entered on a list which shall be delivered to the Returning Officer.

Ballot box.

70—The ballot box shall be of a convenient size and shall be so constructed that the ballot paper can be introduced therein but cannot be withdrawn without the box being unlocked. It shall be provided with a lock and key. It shall be exhibited empty to such persons as may be in the polling place immediately before the taking of the poll and shall then be securely locked and not be again unlocked except by the Returning Officer at the close of the poll in manner hereinafter mentioned.

Making up into separate sealed packets of ballot boxes, etc., after close of poll.

71—The Presiding Officer of each station, as soon as practicable after the close of the poll, shall in the presence of the agents of the candidates (if any), make up into separate packets sealed with his own seal and the seals of such agents of the candidates as desire to affix their seals,—



- (1) each ballot box in use at his station, unopened but with the key attached, which shall be so sealed as to prevent the introduction of additional ballot papers, and
- (2) the unused and spoilt ballot papers and the counterfoils as well of these as of the ballot papers actually used, placed together, and
- (3) the tendered ballot papers, and
- (4) the marked copies of the voters list of the district, and
- (5) the tendered votes list and the list of votes marked by the Presiding Officer, and a statement of the number of the voters whose votes are so marked by the Presiding Officer together with the declarations made by such voters, and shall with all convenient speed hasten to the polling place at the head polling station and deliver such packets to the Returning Officer.

72—The Returning Officer at the close of the poll shall proceed in the presence of the candidates or their agent appointed as aforesaid to examine seals and note whether they show any signs of having been tampered with and then to count the votes contained in each ballot box, keeping the ballot papers with their faces upwards and taking all proper precautions for preventing any person from seeing the numbers on the back of such papers. He shall compare the number of the same together with the spoilt papers with the number of voting papers which from the counterfoils appear to have been used at each polling place, and shall as he proceeds record the number of votes given for each candidate. He shall also check the several marked copies of the voters list used at the polling stations to see the votes are not taken in the name of the same voter at more than one station. He shall deal with one ballot box at a time, and having counted, compared and recorded the contents of one box in manner aforesaid, he shall wrap the voting papers contained therein with the counterfoils and spoilt, tendered and unused voting papers, and all other papers, documents and things enumerated in the preceding section hereof, coming from

Examination of  
seals and  
counting of  
votes.



the place where such box came from, into a parcel and shall write outside the same the name of the polling station from which such papers came, and shall seal up such parcels in such a way that the same cannot be opened without breaking the seals. Having done this, he shall proceed to deal in like manner with the contents of another box and so on till all the boxes and their contents have been dealt with in manner aforesaid.

Ballot papers  
void and not  
counted.

73—Any ballot paper which has not on its back the official mark or on which votes are given to a larger number of candidates than the voter is entitled to vote for, or on which anything except the said number on the back is written or marked by which the voter can be identified, shall be void and not counted.

Rejected ballot  
papers.

74—The Returning Officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to" if an objection be in fact made by any agent to his decision. The Returning Officer shall report to the Town Clerk, or in the case of the first election to the Collector-General—the number of ballot papers rejected and not counted by him under the several heads of—

- (1) want of official mark,
- (2) voting for more candidates than entitled to,
- (3) writing or mark by which voter could be identified,
- (4) unmarked or void for uncertainty,
- (5) voting at more than one polling station;

and shall on request allow any agents of the candidate before such report is sent to copy it. The Town Clerk, or in the case of the first election, the Collector-General, shall cause such report as aforesaid to be published in the Gazette.

Returning  
Officer's decision  
on ballot paper  
to be final sub-  
ject to reversal  
on petition.

75—The decision of the Returning Officer as to any question arising in respect of any ballot paper shall be final subject to reversal on petition questioning the election or return.

76—When the ballot boxes and papers aforesaid have been received from each polling place and the ballot papers have been counted compared and recorded in the manner aforesaid, the Returning Officer, shall proceed to add up the number of votes given to each candidate and shall then publicly declare and announce the candidate to whom most votes appear to have been given, to be duly elected, and shall return the name of such candidate to the Town Clerk, or in the case of the first election to the Collector-General as the Councillor duly elected for the district.

Declaration by  
Returning  
Officer of  
candidate  
elected.

77—Whenever there is an equality of votes between candidates at any election of a member of the Council, and the addition of a vote would entitle any of such candidates to be declared elected, the Returning Officer may give such additional vote, but the Returning Officer shall not in any other case be entitled to vote at an election for which he is the Returning Officer.

Procedure  
where there is an  
equality of  
votes.

78—Together with, or as soon as may be after making such returns as aforesaid, the Returning Officer shall make a further return to the Town Clerk or in the case of the first election to the Collector-General, showing the number of persons who appear to have voted at each voting place, and the number of spoilt ballot papers delivered to him from such place, and the number of persons to whom from the counterfoils, voting papers appear to have been supplied.

Returns showing  
number of  
persons who  
voted, etc.

79—The Returning Officer shall, as soon as may be after making the return, make up into one parcel the different parcels of voting papers, counterfoils, marked copies of registers, and other papers used at the said election, and seal up the same so that such parcel cannot be opened without breaking the seals, and send the same to the Town Clerk, or in the case of the first election, to the Collector-General who shall keep the same in safe custody and shall allow no person to have access to the same: Provided always that when an election petition has been presented questioning the validity of any election or

Voting papers,  
counterfoils,,  
etc., to be sealed  
up and kept in  
safe custody.



return, the Town Clerk, or the Collector-General in the case of the first election, shall on the order of a judge having jurisdiction to try such petition, deliver to such judge the parcel of papers relating to the election that is in dispute: Provided also that after the expiration of twelve months from the day of any election it shall be lawful for the said Town Clerk or Collector-General to burn the said parcel of papers used at such election.

Publication of  
names of  
Councillors  
elected.

80—The Town Clerk, or Collector-General in the case of the first election, shall not later than two o'clock in the afternoon of the day next following the date of any election, publish a list of the names of the Councillors so elected, specifying the district for which each such Councillor has been elected.

Procedure at  
election of  
Aldermen,  
Mayor and  
Deputy Mayor.

81—(1) As soon as possible after all the Councillors shall have been elected, the Returning Officer shall by three days previous notice in writing addressed and sent by registered post to all Councillors, summon the Councillors to a meeting over which he shall preside, and the meeting shall proceed to the election of Aldermen.

(2) As soon as may be after the election of Aldermen, the Returning Officer shall by three days previous notice in writing addressed and sent by registered post to all Councillors and Aldermen summon a meeting of the Councillors and Aldermen, for the purpose of electing a Mayor and Deputy Mayor.

The Returning Officer shall preside until the Mayor has been elected and thereafter he shall vacate the chair and the Mayor shall preside for the purpose of electing the Deputy Mayor.

The Mayor and Deputy Mayor having been duly elected, the Mayor shall forthwith notify the Governor that the Council has been duly constituted.

(3) At either of such meetings seven members shall form a quorum.

#### SUPPLEMENTAL AND EXCEPTIONAL PROVISIONS.

Subsequent  
Elections.

82—(1) All general elections subsequent to the first shall take place in the month of November, at the intervals



prescribed by this Law and shall be carried out by the Returning Officer in accordance with the provisions of this Law.

(2) The following provisions shall apply in the election of Aldermen after a General Election:

- (a) A person entitled to vote, may vote for any number of persons not exceeding the number of vacancies, by filling in, signing and personally delivering to the Returning Officer a voting paper containing the surnames and other names of the persons for whom he votes.
- (b) The Returning Officer, as soon as all the voting papers have been handed to him, shall openly produce and read them or cause them to be read, and shall then deliver them to the Town Clerk to be kept for twelve months in a sealed envelope; and at the end of that time the Town Clerk shall destroy them.
- (c) In case of an equality of votes, the Returning Officer as Chairman shall have a casting vote.
- (d) The persons not exceeding the number of vacancies, who shall have the greatest number of votes, shall be declared to be, and be the elected Aldermen of the Corporation.

(3) The election of the Mayor and Deputy Mayor shall be carried out in the manner prescribed by the immediately preceding section.

(4) The Mayor and Deputy Mayor shall be elected annually.

(5) An Alderman or Councillor who is a candidate for election either as Mayor or Deputy Mayor shall not vote in the election for the office for which he is a candidate.

(6) The following provisions shall apply in the election of the Mayor or Deputy Mayor after a General Election:

- (a) A person entitled to vote may vote by filling in, signing and personally delivering to the Returning Officer in the case of the election of the Mayor or to the Mayor in the case of the election of the Deputy Mayor a voting paper containing the surnames and other names of the person for whom he votes.

- (b) The Returning Officer or Mayor, as the case may be, as soon as all the voting papers have been handed to him shall openly produce and read them or cause them to be read and shall then deliver them to the Town Clerk to be kept for twelve months in a sealed envelope and at the end of that time the Town Clerk shall destroy them.
  - (c) In the case of an equality of votes the Returning Officer or the Mayor, as the case may be, shall have a casting vote.
  - (d) The person who shall have the greatest number of votes shall be declared to be and shall be the Mayor or Deputy Mayor, as the case may be.
- (7) In the case of the annual election of the Aldermen the Mayor shall preside as Chairman and shall discharge the duties imposed under this Law on the Returning Officer in the case of a General Election and the voting shall be carried out in accordance with the foregoing provisions in the case of election of Aldermen after a General Election.

In the case of the annual election of the Mayor a Councillor or Alderman who is not a candidate for the office shall be elected by the Councillors present at the meeting for the purpose, to preside and shall preside as Chairman and shall discharge the duties imposed under this Law on the Returning Officer in the case of a General Election and the voting shall be carried out in accordance with the foregoing provisions in the case of election of Mayor after a General Election.

In the case of the annual election of a Deputy Mayor the Mayor shall preside or in his absence some Councillor or Alderman elected by the Councillors and Aldermen present at the meeting for the purpose, and shall discharge the duties imposed under this Law on the Mayor in the case of a General Election and the voting shall be carried out in accordance with the foregoing provisions in the case of election of a Deputy Mayor after a General Election.



83—(1) If an election is not held on the appointed day or within the appointed time, it may be held on the next day after that day or the expiration of that time.

Procedure where an election is not held on the appointed day or within the appointed time.

(2) If an election is not held on the appointed day or within the appointed time or on the day next after that day or the expiration of that time, or become void, the Corporation shall not thereby become dissolved or be disabled from electing but the Supreme Court may on motion grant a mandamus for the election to be held on a day appointed by the Court.

(3) Thereupon public notice of the election shall, by such person as the Court directs, be fixed on the outer door of the Council's office and in some conspicuous place therein and shall be kept so fixed for at least six days before the day appointed for the election; and in all other respects the election shall be conducted as directed in this Law respecting ordinary elections.

84—(1) If a voters list is not made or revised in due time, the corresponding part of the voters list in operation before the time appointed for the revision shall be the voters list until a voters list has been revised and become part of the voters list.

Procedure where voters list is not made or revised in due time.

(2) If a voters list is not made in time, the voters list in force before the time appointed for the revision shall continue in force until the new voters list is made.

85—Every election not called in question within three months after the election by information in the nature of a quo warranto, shall be deemed to have been to all intents a good and valid election.

Election not called in question within certain time good and valid.

86—(1) If the Revising Officer neglects or refuses to revise a voters list or the Mayor refuses or neglects to conduct or declare an election as required by this Law, he shall for every such offence be liable to a fine of one hundred pounds to be recoverable by action with full costs of suit in the Supreme Court by any person who will sue for the same.

Penalty for neglect or refusal to revise voters list, etc.



(2) If—

- (a) the Town Clerk, or Collector-General in the case of the first election, neglects or refuses to prepare, print or publish a voters list or a list of claimants and respondents as required by this Law; or
- (b) the Town Clerk, or Collector-General in the case of the first election, neglects or refuses to allow any such list to be inspected by any person having a right thereto, he shall for every such neglect or refusal be liable to a fine of fifty pounds recoverable by action in the Supreme Court with full costs of suit by any person who will sue for the same.

(3) An action under this section shall not lie after three months from the neglect or refusal.

(4) A moiety of any fine recovered under this section shall be paid to the plaintiff and the rest to the Town Clerk for the use of the Corporation.

## PART IV.

### OFFENCES IN CONNECTION WITH ELECTIONS.

#### PERSONATION.

Definition of the term "Voter."

87—In this part of this Law, the term "voter" includes any person entitled to vote at an election; and the term "Election" includes any election held under this Law.

Penalty on person voting or attempting to vote in the name of another person.

88—Any person who, being a voter, votes or attempts to vote in the name of another person at an election, whether the name is that of a person living or dead or of a fictitious person, shall be guilty of a misdemeanour, and be liable to imprisonment with or without hard labour for a term not exceeding two years or to a fine not exceeding two hundred pounds.

Penalty on person voting or attempting to vote oftener than he is entitled.

89—Any person who, being a voter, votes or attempts to vote at an election oftener than he is entitled to vote at the election, shall be guilty of a misdemeanour and be liable to imprisonment with or without hard labour for a

term not exceeding six months or to a fine not exceeding one hundred pounds.

90—Any person who votes or induces or procures any person to vote at an election, knowing that he, or such other person, is prohibited by this or by any other Law from voting at such election, shall be guilty of a misdemeanour and be liable to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding one hundred pounds.

Penalty on prohibited person voting.

91—Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate, shall be guilty of a misdemeanour and be liable to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding one hundred pounds.

Penalty on person publishing false statements.

#### TREATING.

92—Any person who

- (1) corruptly, by himself or by any other person before during or after an election, provides, or pays in whole or in part, the expense of providing any food, drink or lodging, to or for any person on account of anything already done or omitted to be done or to be afterwards done or omitted to be done by a voter at the election in the capacity of a voter: or
  - (2) being a voter, corruptly receives any food, drink, or lodging, on account of any such act or omission,
- shall be guilty of a misdemeanour and be liable to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding fifty pounds.

Penalty on person treating.

#### UNDUE INFLUENCE.

93—Any person who directly or indirectly by himself or by any other person on his behalf—

- (1) uses or threatens to use any force or restraint

Penalty on person exercising undue influence on electors.



or does or threatens to do any temporal or spiritual injury or causes, or threatens to cause any detriment of any kind, to a voter in order to induce him to vote or refrain from voting at an election or on account of his having voted or refrained from voting at an election; or

(2) by force or fraud prevents or obstructs the free exercise of the franchise by a voter or by any such means compels or induces a voter to vote or refrain from voting at an election, shall be guilty of a misdemeanour and be liable to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding fifty pounds.

#### BRIBERY.

Penalty on  
person guilty of  
bribery.

94—The following persons shall be deemed guilty of bribery within the meaning of this Law:—

- (1) Every person who directly or indirectly, by himself or by any other person, on his behalf gives, lends or agrees to give or lend, or offers, promises, or promises to procure, or endeavours to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election.
- (2) Every person who directly or indirectly, by himself or by any other person on his behalf gives, or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election.



- (3) Every person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person as an elected member of the Council or the vote of any voter at an election.
- (4) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any person as an elected member of the Council, or the vote of any voter at any election.
- (5) Every person who advances or pays or causes to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof, shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.
- (6) Every voter who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place of employment, for himself or for any person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election.
- (7) Every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.
- (8) Every person who directly or indirectly corruptly pays any rate or tax, transfers any property or pays any money on behalf of any other person for the purpose of enabling him to be registered

as a voter, in order thereby to influence his vote at any future election, and every person on whose behalf and with whose privity, any such payment, as last aforesaid is made

shall be guilty of a misdemeanour and be liable to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding fifty pounds.

Incapacity of person convicted of any misdemeanour.

95—Any person convicted of any of the misdemeanours defined in the last eight preceding sub-sections, committed with respect to an election, becomes incapable for seven years from the date of the conviction of being registered as a voter or voting at any election or of holding any corporate office, and if he holds any such office, the office is vacated.

#### SPECIFIED MISDEMEANOURS.

Penalty on person forging, counterfeiting, defacing or destroying ballot papers, etc., etc.

96—Every person who—

- (1) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper or the official mark on any ballot paper, or
- (2) without due authority supplies a ballot paper to any person, or
- (3) fraudulently takes out of the polling station any ballot paper, or
- (4) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by Law to put in, or
- (5) without due authority destroys, takes, opens or otherwise interferes with, any ballot box or packet of ballot papers then in use for the purposes of any election,

shall be guilty of a misdemeanour and be liable, if he is a Returning Officer or Presiding Officer, or Clerk employed at a polling station, to imprisonment for a term not exceeding two years with or without hard labour or to a fine not exceeding two hundred pounds and if he is any other person, to imprisonment for a term not exceeding six months, with or without hard labour or to a fine not exceeding fifty pounds.



Any attempt to commit any offence specified in this clause shall be punishable in the manner in which the offence itself is punishable.

In any information or prosecution for an offence in relation to the ballot boxes, ballot papers, and other things in use at an election, the property in such ballot boxes, ballot papers or things, may be stated to be in the Returning Officer at such election.

97—Every officer, clerk and agent, in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by Law before the poll is closed, to any person any information as to the name or number on the voters list of any voter, who has or has not applied for a ballot paper or voted at that station; and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station.

Maintaining of  
secrecy of  
voting at polling  
station.

Every officer, clerk and agent, in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy at the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

No person shall directly or indirectly, induce any voter to display his ballot paper after he has marked it, so as to make known to any person the name of the candidates for or against whom he has so marked his vote.

Every person who acts in contravention of the provisions of this clause shall be liable, on summary conviction before the Resident Magistrate of the district to imprisonment for a term not exceeding six months, with or without hard labour.



## PART V.

## ELECTION PETITIONS.

Settlement of  
disputes.  
Provisions of  
Election  
Petitions Law  
1885 (Law 3 of  
1885) shall apply  
with certain  
modifications.

98—With a view to providing a means of deciding disputes that may arise respecting the election of members to serve in the Council under this Law, it is hereby enacted that the provisions of the Election Petitions Law, 1885 (Law 3 of 1885) and of any Law passed in amendment thereof or in substitution therefor shall apply in the case the Council with the following modification.

The word "Council" as used in this Law shall be substituted for the words "Legislative Council of this Island" in line three of the preamble.

The words "the Council" shall be substituted for the words "the Legislative Council" in line three of sub-section (4) of section 1.

In sub-section (5) of section 3 the words "one hundred" shall be substituted for the words "three hundred" in line one.

In paragraph 2 of section 1 "District" shall mean an electoral district as constituted by this Law.

The word "Council" as used in this Law shall be substituted in line five of section 15 of the said Law for the words "Legislative Council" and the word "Mayor" shall be substituted in lines five and eight of the said section for the word "Governor."

Section 16 shall be read with the addition of the words "or other person to whom the return has been made" after the word "Governor."

Between sub-sections (4) and (5) of section 19 insert the following:—

"It shall be lawful for the judge who has been appointed to try any petition, if in his discretion it shall appear to him expedient so to do, to defer the hearing of any such petition until the holding of the next Circuit Court for the parishes of Kingston and St. Andrew to be holden next after the petition shall have been brought to issue."

In line three of sub-section (5) of the said section 19, the words "Corporate Area" shall be substituted for the words "Electoral District."

In line two of sub-section (6) of section 19 of the said Law, the word "Councillor" shall be substituted for the words "Member of Council" and in line six of the same sub-section the word "Mayor" for the word "Governor."

In line two of section 22 the words "all the" shall be substituted for the words "the same" and in line three the word "of" shall be substituted for the word "as,"

The word "Council" as used in this Law shall be substituted for the words "Legislative Council" in line eight of section 28 and also in the second and third lines from the bottom of the same section.

## PART VI.

### MEETINGS AND PROCEEDINGS OF THE COUNCIL.

99—The following Rules with respect to meetings and proceedings of the Council shall be observed—

Rules to be observed with respect to meetings and proceedings of Council.

- (1) The Council shall hold monthly meetings for the transaction of general business.
- (2) The monthly meetings shall be held at such hour and on such days as the Council may from time to time determine.
- (3) The Mayor may at any time call a meeting of the Council.
- (4) If the Mayor refuses to call a meeting after the requisition for that purpose signed by five members of the Council has been presented to him, any five members of the Council may forthwith on that refusal call a meeting. If the Mayor (without so refusing) does not within three days after such presentation call a meeting, any five members of the Council may on the expiration of those three days, call a meeting.
- (5) Four clear days at least before any meeting of the Council a summons to attend such meeting



specifying the business proposed to be transacted thereat and signed by the Town Clerk, shall be left at the usual place of business or abode of each member of the Council.

- (6) Want of service of the summons on any member of the Council shall not affect the validity of a meeting.
- (7) Except by leave of the Council no business shall be transacted at a meeting other than that specified in the summons relating thereto.
- (8) The Mayor shall be ex-officio Chairman of the Council and shall preside at all meetings of the Council at which he is present. In case of his absence, the Deputy Mayor shall preside, and in case of the absence of the Deputy Mayor, the members present and constituting a quorum shall elect a Chairman from among their number.
- (9) At any meeting of the Council, five members shall form a quorum for the transaction of business.
- (10) All acts of the Council, and all questions coming or arising before the Council shall, unless otherwise prescribed by this or any other Law, be done and decided by the majority of such members of the Council as are present and vote at a meeting held in pursuance of this Law, the whole number present at the meeting not being less than five members.

Provided that except with the unanimous consent of the members present, not being less than eight in number no motion passed within the preceding six months and no motion to the same effect as any motion which has been negatived by the Council within the preceding six months, shall be considered at any meeting of the Council; and no such motion shall be passed except upon the vote of a majority of at least ten of the members present and voting thereon.

- (11) In case of an equality of votes the Chairman of the meeting shall have a second or casting vote.
- (12) Subject to the foregoing provisions, the Council may make such Standing Orders as they may



think proper for the regulation and conduct of the proceedings of their meetings and the meetings of their Committees, and may by such Standing Orders provide that the minutes of the proceedings of any meeting shall, when copies thereof have been circulated to members, be taken as read, and may also provide for the postponement of the confirmation of the minutes of the proceedings of any meeting.

100—(1) The Council may, from time to time, appoint out of their own body such and so many Committees, either of a general or a special nature and consisting of such number of persons as they shall think fit, for any purposes which, in the opinion of the Council, would be better regulated and managed by means of such Committees.

Appointment  
of Committees.

(2) The quorum of every Committee shall be fixed by the Council at the time of appointment of such Committee.

(3) Every Committee of the Council shall, unless otherwise expressly authorised by the terms of its reference submit its proceedings and recommendations to the Council for approval.

(4) The proceedings and recommendations of every Committee of the Council shall be submitted to the Council in the form either of minutes of the proceedings at the meetings of such Committee, or of a formal report signed by the Chairman of such Committee.

(5) Any recommendations in any such report, when adopted by a majority of the members present shall become and be deemed to be resolutions of the Council.

101—The Council may delegate to any Committee or Committees appointed by them any of the powers or duties vested in or imposed upon the Corporation of the Council by this or any other Law for the time being in force, and may, if the Council think fit, direct that the acts and proceedings of such Committee or Committees need not be submitted to the Council for approval. In every such case the acts done and the proceedings taken by the Committee or Committees in relation to the powers and duties so delegated to such Committee or Committees shall be

Council may  
delegate to  
Committees any  
of the powers  
vested in the  
Corporation.

done and instituted in the name of the Council and shall be as valid and binding on all parties as if such acts had been done and such proceedings taken by the Council.

Travelling  
expenses of  
Committees.

102—The reasonable travelling expenses of every Committee incurred for the purpose of inspecting premises and places in connection with the matters referred to such Committees shall be paid out of the ordinary revenue of the Council.

Vacancy in  
Council shall  
not invalidate  
any acts or pro-  
ceedings thereof.

103—No act or proceedings of the Council or of any Committee shall be invalidated by reason of any vacancy or vacancies in their body, or by any defect in the mode of appointment of such Committee.

Minutes of  
proceedings of  
Council or  
Committee.

104—A minute of the proceedings at a meeting of the Council or of a Committee signed by the Chairman, or by a member of the Council or Committee describing himself as or appearing to be a Chairman of the meeting at which such minute is signed, shall be received in evidence without further proof.

Meetings.

105—Until the contrary is proved, every meeting of the Council or of a Committee in respect of the proceedings whereof a minute has been so made, and every meeting of a Committee the proceedings whereof are embodied in a report signed by the Chairman of such Committee and received by the Council shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a Committee, the Committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute or in the report, as the case may be.

Pecuniary  
interest.

106—A member of the Council shall not vote or take part in any matter before the Council or a Committee in which he has directly or indirectly, by himself or his partner any pecuniary interest.



## PART VII.

### RATES.

107—There shall be raised, levied, collected and paid to the Corporation upon and in respect of every rateable hereditament within each district of the corporate area the following annual rates:—

Rates to be raised, levied, collected and paid to the Council.

(a) A general rate, and

(b) A road rate.

The respective amount of such annual rates shall be annually fixed by the Council in accordance with the following provisions:—

- (1) The Council shall on or before the first day of February in each year submit to the Revenue Commissioner for the approval of the Governor in Privy Council, the respective amount of each such rate proposed to be raised, levied, collected and paid in each district: Provided that no rate for the Rural District shall without the consent of the Legislative Council exceed the respective amounts of the Parish General Rate and the Parish Road Rate existing in the parish of Saint Andrew on the first day of May one thousand nine hundred and twenty-three.
- (2) The Governor in Privy Council, on the recommendation of the Revenue Commissioner, may alter and amend, decrease or increase either of such rates.
- (3) In the event of failure on the part of the Council to submit either rate within the time appointed, the Revenue Commissioner may, with the approval of the Governor in Privy Council, fix such rate as he may deem necessary.

108—The general rate and road rate, as approved by the Governor in Privy Council, shall be published in the Gazette on or before the first day of March in each year, and shall be the rates for the ensuing financial year.

Approved rates to be published in Gazette.



When rates shall  
be due, etc.

109—(1) The general rate and road rate shall be due and payable on the first day of April, in each year in respect of twelve calendar months beginning on such date, and shall be payable by the person in possession of the property made liable thereto at the date when such respective rates become due.

(2) The general rate and road rate above mentioned shall be assessed, raised, levied, collected and paid to the Collector General in accordance with any Law for the time being in force regulating the raising, levying and collecting of parish rates and the provisions of all such Laws shall, unless expressly excluded by this Law, apply to the assessment, raising, levying and collecting of such rates, which shall, after collection, be paid over by the Collector-General to the Town Clerk for the purposes of the corporation.

(3) The general rate and the road rate, herein provided to be raised, levied, collected and paid, shall be in lieu of and substitution for the parish general rate and the parish road rate for the respective parishes of Kingston and Saint Andrew, which are raisable, leviable, collectable and payable under the provisions of the Parish Rates Law, 1903 (Law 16 of 1903) and any Law passed in amendment thereof or substitution therefor.

(4) The Governor in Privy Council shall determine what reimbursement to be computed at a rate not exceeding three per centum on the total amount of the revenue collected from these sources shall be made by the Council towards the cost of collecting, accounting for, disbursing and auditing the same. The sum so determined in the case of the Council shall be debited by the Treasurer against the Council and carried to the credit of general revenue.

(5) Until such rates are paid they shall, subject to any claim for property tax due to general revenue be a first charge and lien upon the real property liable thereto.

Imposition of additional rates for the purpose of providing for improvements, etc., of municipal works, etc.

110—(1) For the purpose of providing for any improvements or extensions of any existing municipal works, or for the creation, erection and maintenance of any new municipal works, it shall be lawful for the Council, with the approval of the Governor in Privy Council, to impose such rate or rates as may be necessary for all or any of such purposes. Such rate or rates shall be in addition to the general rate and road rate hereinbefore mentioned and the proceeds of any such rate or rates shall be applied for the purposes of such existing or future municipal works. Any such proposed rate or rates submitted for the approval of the Governor in Privy Council may, after due enquiry and any explanation given by the Council if found to be excessive or insufficient be altered, amended, decreased or increased by the Governor in Privy Council. Such rate shall be called "The Municipal Improvement Rate."

(2) Any rate from time to time imposed under the provisions of this section may be imposed upon properties situate in every district of the corporate area, or may be confined to such district or districts or part of a district of the corporate area as the Council shall by resolution approved by the Governor in Privy Council from time to time determine.

Provided always that no rate under the provisions of this section shall be imposed upon the properties situate in the rural district of the corporate area, unless the municipal work, for or in connection with which the rate is to be imposed is to be of direct benefit to the voters or inhabitants of such district and unless a resolution of the Legislative Council has been duly passed authorising the imposition of such rate upon the rural district or any part thereof.

(3) The Council may vary any rate imposed under the provisions of this section, with respect to any district of the corporate area, and may impose a different rate for any particular district or part of a district, having regard to the purpose for which the rate is to be imposed, and the advantages to be derived by or conferred on any district or part of a district of the corporate area by the proposed imposition.

(4) Any rates imposed under the provisions of this section, shall be assessed, raised, levied, collected and paid



in the same manner as the general rate and road rate hereinbefore mentioned.

Buildings and  
property  
exempted from  
rates.

111—The following buildings and property shall be exempt from the above rates:—

- (a) All buildings held in trust exclusively for public religious worship or for religious worship and for use as a school-room, together with the lands, immediately attached to them used as Church yards or Burial grounds;
- (b) All buildings and lands used solely for charitable or educational purposes and supported solely by charitable or missionary funds;
- (c) All buildings and lands belonging to Elementary Schools inspected by the Education Department;
- (d) All buildings and lands belonging to Agricultural or Industrial Schools approved by the Governor in Privy Council;
- (e) All buildings and lands belonging to Wolmer's School, Kingston;
- (f) All buildings and lands belonging to Secondary Schools receiving any payment out of the general revenue of the Island or to Secondary Schools with not less than twelve scholars in every day attendance, each such Secondary School being certified by the Schools Commission to be efficient (provided that such buildings and lands are used exclusively for school purposes).
- (g) All unoccupied property belonging to and all property in the actual occupation of the Crown, the Government of this Island or the Council, or vested in the Colonial Secretary and used for any public purposes.

## PART VIII.

### CORPORATE PROPERTY.

#### MARKETS.

Interpretation  
of terms.

112—In and for the purposes of this part of this Law, the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:—



“Clerk of the Market” means the person appointed by the Council to keep any market, or any other person for the time being acting as Clerk of the Market or performing the duties of such Clerk under the authority of the Council.

“Cold Stores” means any premises or place used for keeping and preserving by a refrigerating process any fresh meat, game, fish, vegetables or other articles intended for the food of man.

“Fresh Meat” means meat of any cattle, sheep, goat, pig or turtle, slaughtered for sale, and includes imported fresh meat.

“Marketable Commodities” means fresh meat, fish, ground provisions, vegetables and fruit.

“Public Market” means any place within the corporate area on the coming into operation of this Law used or hereafter acquired and appointed by the Council as a public market under this part of this Law for the sale of marketable commodities, and includes all buildings, works, sheds, covered and open spaces and grounds comprised within the place so appointed.

113—(1) All public markets and the sites thereof, except where the same may be private freehold or leasehold property situate within the corporate area in existence on the coming into operation of this Law shall remain and are hereby declared to be vested in the Colonial Secretary of Jamaica and his successors for the benefit of the inhabitants of the corporate area, and shall be held by him and them for the purposes of markets and for securing the repayment of any loans and interest thereon raised for the provision erection or maintenance of any such public markets: Provided that in the corporate area the Council shall have the entire occupation, management of and control over the said lands and markets, and all other markets of the corporate area subject to any rules that may exist under the provisions of any Law for the time being in force.

Public Markets  
vested in Colo-  
nial Secretary.

(2) Any landing place attached to any such market

shall be deemed to be for the purposes of this part of this Law, a part thereof, and be similarly vested and held.

(3) All public markets and the sites thereof which may be erected within the corporate area after the coming into operation of this Law shall be vested in the Colonial Secretary of Jamaica and his successors for the benefit of the inhabitants of the corporate area, and shall be held by him and them for the purposes of markets and for securing the repayment of any loans and the interest thereon, which may be raised to provide for the acquisition, erection and maintenance of such public markets, provided that in the corporate area the Council shall have the entire occupation management of and control over the said lands and markets and all other markets of the corporate area, subject to any rules that may exist under the provisions of any Law for the time being in force.

Council may  
from time to  
time acquire  
land for purpose  
of erecting new  
public markets.

114—It shall be lawful for the Council from time to time with the approval of the Governor in Privy Council, to acquire such land as may be deemed necessary for the purpose of erecting, establishing and maintaining any new public markets within the corporate area. Such land may be acquired under the Land Clauses Law, 1872, or any Law passed in amendment thereof or substitution therefor or in any other manner.

Rents, etc.,  
pledged for  
payment of loans

115—All rents, fees and profits which shall be realised from the public markets now situate within the corporate area or hereafter erected within the same are hereby pledged for the due payment of all moneys which have been borrowed or may hereafter be borrowed in connection with the same, and of the interest thereon and such rents, fees, and profits are hereby vested in the Council as Trustees to be applied firstly, in payment of any interest due on any such loan hereinbefore made or hereafter to be made, secondly for the maintenance and keeping of the public markets and thirdly, for the redemption of any principal sums due on account of such amount from time to time as, consistently with the conditions of the said loans, the Council with the sanction of the Governor in Privy Council, may determine.



116—It shall not be lawful to hold any public market for the sale of fresh meat, fish and other marketable commodities in any place within the corporate area, not being a public market, save and except that it shall be lawful for the Council to grant permission to hold a public market for the sale of fresh meat, fish and other marketable commodities in any place or places within the rural district of the corporate area.

Selling of fresh meat, fish, etc.

117—Markets may be held in all public markets in existence within the corporate area on the coming into operation of this Law, or in any public markets hereafter established within the said area on such days and during such hours each day as before the coming into operation of this Law were fixed for the purpose, or on such days and during such hours as the Council may hereafter from time to time fix by resolution or by-laws.

Days and hours on and during which markets may be held.

118—It shall be lawful for the Council from time to time by notification to be published in the Gazette to define the site, limits and extent of any public market now existing or hereafter to be erected or established within the corporate area, and from time to time to alter such site, limits and extent.

Definition of sites, limits and extent of public markets.

119—It shall be lawful for the Council from time to time, with the previous sanction of the Governor in Privy Council, to be notified in the Gazette to close any public market and to re-open the same and to open new public markets within the corporate area.

Closing and re-opening of public markets.

120—The Council shall have power to construct public markets under this Law and for that purpose shall have all the powers and exemptions that are given to the Director of Public Works by Law 16 of 1868 or any Law passed in amendment thereof or substitution therefor.

Power to construct public markets.

121—(1) It shall be lawful for the Council to appoint a Clerk of any public market within the corporate area, such market servants for each market and such other

Appointment of Clerks of public markets and other officers.



officers as they may deem necessary, and to remove any such clerk, servants or other officer, and to appoint another or others from time to time as may appear expedient, and with the approval of the Governor in Privy Council, to fix the salaries and wages of such clerks, servants and officers: Provided that the lessee of a market shall in no case be eligible for the appointment of Clerk of the market.

(2) Any person holding any such office at the coming into operation of this Law shall continue to hold the same on the terms and conditions on which the same are held by them, until new appointments shall or may be made under the provisions of this section.

Powers of Council with respect to making, altering and rescinding of rules.

122—(1) It shall be lawful for the Council from time to time to make, alter or rescind rules—

- (a) for fixing the fees to be paid for the use of stalls;
- (b) for permission to bring articles into any public market or to expose articles for sale within any public market in the corporate area;
- (c) for the order and government of any public market in the corporate area;
- (d) for fixing the hours and days for the opening and closing of same;
- (e) for prescribing the pattern and description of the scales to be used by occupiers of stalls, stands, tables, and places in any public market in the corporate area;
- (f) for prescribing the conditions subject to which the several stalls, stands, tables, sheds and places shall be held occupied or used by the persons hiring or using the same, and for imposing on such persons such duties as the Council may deem necessary for ensuring that the stalls, stands, tables, sheds and places occupied by them and all blocks, axes, saws and other implements or instruments and all scales used by them are properly cleaned and kept clean by them;
- (g) for regulating the use of weighing machines in any public market in the corporate area and preventing the use of false or defective weights,

scales or machines by any persons selling in any public market in the corporate area;

- (h) for preventing nuisances or obstructions in any public market in the corporate area or in the immediate approaches thereof;
- (i) for imposing on the occupier of any stall, stand, table, shed or place in any public market in the corporate area the duty of taking such steps and using such means as may be prescribed by the Council for protecting from contamination and flies and dust any articles of food offered or exposed for sale in or on such stall, stand, table, shed, or place occupied by him;
- (j) for maintaining order and preventing disturbance in any public market in the corporate area by fighting or disorderly behaviour;
- (k) for excluding and removing from any public market in the corporate area any person suffering from any infectious or contagious disease;
- (l) and generally, for such other purposes as may be deemed necessary for the government of any public market in the corporate area and for carrying into effect the provisions of this part of this Law.

(2) Any such rules, alterations and rescissions shall not come into operation until they have been approved by the Governor in Privy Council, who shall have power to allow, disallow, add to or alter such rules.

123—All fees fixed and payable under this part of this Law shall in each case be paid to the Clerk of the market or to any other person specially authorised by the Clerk of the market to receive them, and in default of payment of the same the Clerk of the market is hereby empowered to seize any article in the market belonging to or in the possession of the defaulter, and forthwith to sell the same by public outcry; and the money arising from such sale shall be applied first in payment of any expenses attendant on such seizure and sale, and secondly in payment of the fees due. The surplus, if any, shall be paid by the Clerk of the market to the person from whom the articles were taken.

Payment of fees  
to Clerk of  
market or other  
authorised  
person.



Fees collected  
to be accounted  
for to Council.

124—All fees collected by any Clerk of a public market in the corporate area or other duly authorised person shall be by him accounted for to the Council in such manner and at such times as the Council may prescribe under a penalty of ten pounds for every day he shall neglect so to account for the same.

Powers of  
Clerk of a  
public market  
within such  
market.

125—The Clerk of any public market in the corporate area shall have within such market the powers of a Constable and also with respect to weights and measures the powers of a Sergeant under any Law for the time being in force relating to weights and measures; and it shall be lawful for the Clerk or Assistant Clerk of any public market in the corporate area, or for any Constable by direction of such Clerk or Assistant Clerk, or in their absence from the market, in his own discretion, to take or cause to be taken into custody without warrant any person who shall in view of such Clerk, Assistant Clerk or Constable commit any offence against this part of this Law, and whose person, name and place of abode shall be unknown to such Clerk, Assistant Clerk or Constable; and in like manner it shall be lawful for any such Constable, when the person, name or place of abode of such offender is unknown as aforesaid, to take into custody any such offender who shall be charged by such Clerk or Assistant Clerk with committing any of the said offences though not committing the same within view of such Constable but within view of the said Clerk or Assistant Clerk making such charge.

Hiring of stalls.

126—The Clerk of any public market in the corporate area shall whenever required by the Council put up for hire by public competition within the said market any stall or stalls, and in such case the Clerk shall receive the bidding and act in all respects as an ordinary auctioneer on behalf of the Council, subject always to any rules that may be made under this part of this Law affecting such market: Provided always that in so acting he shall not be deemed to be carrying on a trade or business within the meaning of any Law imposing any license or tax for carrying on any trade or business.



127—The Clerk of any public market in the corporate area shall seize or cause to be seized any bad and unwholesome meat, fish, turtle, poultry, game, eggs, fruit, vegetables or ground provisions brought into such public market, and shall cause the same to be destroyed and every person bringing the bad and unwholesome articles to market or selling them or offering them for sale in the market shall be liable to a fine not exceeding forty shillings for each offence and in default of payment forthwith to imprisonment not exceeding one month.

Clerk of public market may seize bad and unwholesome meat, fish, etc.

128—(1) The Council may from time to time rent or lease for such period as shall appear most advantageous the whole or any part of any public market in the corporate area with all or any rights and appurtenances thereunto belonging, or may make from time to time such arrangements as may seem best for letting stalls in any such public market and the right to use any such public market and any part thereof and any stalls therein.

Council may rent or lease the whole or part of any public market.

(2) Any lease in existence at the coming into operation of this Law shall continue for the unexpired portion thereof as if the same had been granted under the provisions of this Law.

129—When any market shall be leased, the lessee is hereby authorised to collect all fees and to proceed for the recovery thereof as if he were the Clerk of such market and while any such market shall be leased the Clerk of the market shall not interfere in the collection of the fees in such market, but in all other respects the duties and powers of the Clerk of the market shall be the same as if the market were not leased.

Lessee to collect fees when market is leased.

130—In any lease of any public market it shall be sufficient if the lease be signed by the Mayor or Deputy Mayor and the Aldermen or two of the Councillors of the Corporation for the time being, and every such lease shall contain all necessary powers for the recovery of rent in arrear and re-entry in the premises and all usual covenants to be entered into on the part of the lessee and all such other terms and conditions as the Council shall require.

Signing of lease.

Penalty for  
establishing  
market on any  
lands or pre-ises

131—Any person who shall establish or permit to be established within the limits of any public market, any market for the sale of any fresh meat, poultry, game, fresh fish, turtle, vegetables, ground provisions, or fruit—in or upon any lands or premises in his occupation or under his control shall forfeit the sum of five pounds for every day or portion of a day in which any of the aforesaid articles shall be sold or exposed or offered for sale in any such place.

Granting of  
licenses to  
persons desiring  
to establish  
shops in  
Kingston for  
sale of fresh  
meat, etc.

132—(1) It shall be lawful for the Council in their discretion, to grant from time to time licenses to any person or persons desiring to establish in the Corporate area a shop or shops for the sale of fresh meat, poultry, game, fresh fish, vegetables, ground provisions or fruit, or any one or more of such articles and in such licenses to grant permission for the sale of fresh meat and fresh fish in such shops before ten o'clock in the morning on the Lord's Day, Christmas Day and Good Friday. Such licenses shall be granted on such terms and in such form as the Council shall from time to time direct and all persons and shops so licensed shall be subject to such rules as the Council shall from time to time make fixing the fees to be paid for the use of licensed shops and for the order and government of such shops, and all such rules shall come into operation in the like manner as in the case of rules made under section 122 of this Law.

(2) No license so granted shall be in force longer than one year.

(3) All licenses for this purpose in existence on the coming into operation of this Law shall continue for the unexpired portion thereof, as if the same had been granted under the provisions of this Law.

Inspection of  
licensed shop  
and payments of  
fees.

133—Every shop so licensed shall be under the inspection of such one of the clerks of a public market in the corporate area as may be appointed by the Council in every respect as if the same were in one of the said markets and the licensee shall pay the fees which are or may be hereafter fixed and payable under the rules to be made as aforesaid and payment thereof shall be enforceable in



the same manner as payment of the market fees, and any article for the sale of which a license is required if exposed for sale in any such licensed shop in a state which would make them liable to seizure in a public market shall be liable to seizure in such shop; and any person occupying any shop, house or other place where any articles for which a license is required, shall be sold or exposed for sale without such license, shall be liable to a penalty of five pounds for every day in which such articles shall be so sold and exposed.

134—The powers to collect and enforce payment of fees conferred on any Clerk of the market by this Law may be exercised in the name and on behalf of the said Clerk by any person or persons authorised by writing under the hand of the Mayor or Deputy Mayor. Such fees when collected shall be forthwith paid over to the Clerk under a penalty of ten pounds for every day any such person shall neglect to pay over such fees or any part thereof.

Power to collect fees may be exercised by any person so authorised.

135—All licenses, fees and all penalties and other moneys which shall be paid to the Council under the authority of this Law shall be dealt with in all respects as market fees.

How licenses, fees, etc., paid to Council should be dealt with.

136—Any person who shall expose or exhibit for sale in the urban or suburban district of the corporate area any fresh meat, poultry, game, fresh fish, turtle, vegetables, ground provisions or fruit elsewhere than in a public market or in a shop licensed as hereinbefore mentioned for the sale of such articles shall forfeit a sum of ten pounds for every day in which he shall so offend: Provided that nothing herein contained shall prevent any person from going from house to house and offering for sale or selling any poultry, game, fresh fish, ground provisions or fruit.

Penalty for exposing for sale fresh meat, etc., elsewhere than in public market or in shop licensed for purpose.

137—It shall not be lawful for any person to introduce or to bring into the urban or suburban district of the corporate area or be in any manner concerned in the introduction or bringing into the urban or suburban district of the corporate area from any place whatsoever, any fresh meat or chilled meat or the flesh of any animal,

Meat to be inspected and certified as sound.



unless the same shall have been inspected and duly certified as sound and fit for human consumption by some Inspector or Officer duly licensed for such purpose by the Council, and unless all rules in respect of meat so introduced or brought into the urban or suburban district of the corporate area which may from time to time be made by the Council under the rule making powers conferred by this part of this Law shall have been complied with.

Clerk of public market shall take oath or make declaration etc.

138—Every Clerk of any public market within the corporate area shall take the oath or in lieu thereof make the declaration and affirmation prescribed by any Law for the time being in force relating to Special Constables, and shall have in addition to the powers conferred upon them by this Law all the powers, authorities, advantages and immunities of Special Constables and shall wear a badge indicative of their authority.

#### SLAUGHTER HOUSES.

Existing public slaughter houses, etc., in corporate area, with certain exceptions shall remain and are hereby vested in Colonial Secretary of Jamaica and his successors.

139—All public slaughter houses and the sites thereof except where the same may be private freehold or leasehold property situate within the corporate area in existence on the coming into operation of this Law shall remain and are hereby declared to be vested in the Colonial Secretary of Jamaica and his successors for the purposes of slaughter houses and for securing the repayment of any moneys borrowed for the erection, working and management of the same, and for the purchase of the lands required for the same and the payment of the interest thereon: Provided that the Council shall have the entire occupation and management of and control over the said slaughter houses and land, subject to any directions that may be given by the Governor, and subject to any rules made under this part of this Law.

Public slaughter houses, etc., which may be erected after coming into operation of this Law shall be vested in Colonial Secretary and his successors.

140—All public slaughter houses and the sites thereof which may be erected within the corporate area after the coming into operation of this Law shall be vested in the Colonial Secretary of Jamaica and his successors for the benefit of the inhabitants of the corporate area, and shall be held by him and them for the purposes of slaughter

houses and for securing the repayment of any loans and the interest thereon which may be raised to provide for the acquisition, direction and maintenance of such public slaughter houses: Provided that the Council shall have the entire occupation and management of and control over the said public slaughter houses and land, subject to any directions that may be given by the Governor and subject to any rules made under this part of this Law.

Proviso.

141—It shall be lawful for the Council from time to time, with the approval of the Governor in Privy Council, to acquire such land as may be deemed necessary for the purpose of erecting, establishing and maintaining any new public slaughter houses within the corporate area. Such land may be acquired under the Lands Clauses Law, 1872, or any Law passed in amendment thereof or substitution therefor or in any other manner.

Council may acquire land for purpose of erecting public slaughter houses.

142—All rents, fees and profits which shall be realised from any public slaughter house now situate within the corporate area or hereinafter erected within the same are hereby pledged for the due payment of all moneys which have been borrowed or may hereafter be borrowed in connection with the same and of the interest thereon; and such rents, fees and profits are hereby vested in the Council as proceeds to be applied firstly, in payment of any interest due on any such loan hereinbefore made or hereafter to be made; secondly, for the maintenance and keeping up of such slaughter houses, and thirdly, for the redemption of any principal sums due on account of such account from time to time, as, consistently with the conditions of the said loan the Council, with the sanction of the Governor in Privy Council, may determine.

Rents, fees, etc., realised from any public slaughter house pledged for certain things.

143—It shall be lawful for the Council to make and from time to time to alter rules

Council may make and alter rules.

- (a) for the management of any public slaughter houses within the corporate area and for the good government of the officers and other persons employed by the Council and also of persons making use of any such slaughter houses;



- (b) for fixing a scale of fees and other charges to be paid thereat and for receiving and enforcing the payment thereof and for regulating the rights and liberties of owners of any animals brought therein and the right of access to such slaughter houses and appurtenant grounds or any part thereof;
- (c) for regulating the manner of occupying and using any such slaughter houses and the inspection and slaughtering of animals therein;
- (d) for fixing the hours and days for the opening and closing of same;
- (e) for fixing the hours when, and prescribing the conditions and requirements under and subject to which, animals are to be slaughtered therein;
- (f) for fixing the times when, and prescribing the conditions and requirements under and subject to which, carcasses and other parts of any animals slaughtered in such slaughter houses shall be removed therefrom;
- (g) with respect to the licensing of slaughter-men and the suspension, revocation and cancellation of such licenses;
- (h) for preventing nuisances or obstructions in any such public slaughter houses or in the immediate approaches thereof;
- (i) for ensuring the maintenance, cleanliness and good order of such slaughter houses;
- (j) for maintaining order and preventing disturbance in any such public slaughter houses by fighting or disorderly behaviour;
- (k) for excluding and removing from any such public slaughter house any person suffering from any infectious and contagious disease;
- (l) for dealing with any animal or carcass or part thereof which may be found to be diseased or unfit for human consumption;
- (m) for regulating the feeding and watering of animals brought therein and for preventing cruelty thereto;
- (n) for regulating the landing of animals intended to be taken direct from the landing place to any

such slaughter house and prescribing the precautions to be observed by the owners of such animals in bringing such animals into a public slaughter house or any part thereof;

- (o) and generally, for such other purposes as may be deemed necessary for the Government of any public slaughter house in the corporate area and for carrying into effect the provisions of this part of this Law.

144—It shall not be lawful for any person to slaughter or cause to be slaughtered any bull, steer, cow or other description of cattle for beef or veal, or any sheep, lamb, hog, pig, goat or kid, or to dry or cause to be dried the skin of any such cattle, sheep, lamb, hog, pig, goat, or kid in any place in the urban or suburban district than in a public slaughter house, or in such other place as the Council may especially allow or appoint for such purpose, and any person who offends against the provisions of this section shall be liable on summary conviction before a Resident Magistrate to a penalty not exceeding five pounds for each offence, and in default of payment forthwith to imprisonment with or without hard labour not exceeding three months unless the amount be sooner paid.

Animals not to be slaughtered in any place other than in a public slaughter house.

145—Any person who shall for any purpose whatsoever deliver to any other person in the urban or suburban district any fresh meat, the animal from which the same has been obtained not having been slaughtered in a public slaughter house appointed as such under this Law, and not having been duly certified as sound and fit for human consumption by some Inspector or Officer licensed in writing for such purpose by the Council shall forfeit a sum of ten pounds for every day in which he shall so offend.

Penalty for delivering flesh of animal not slaughtered in a public slaughter house.

#### LICENSING OF WHARF PREMISES FOR SALE OF CERTAIN ARTICLES.

146—It shall be lawful for the Council to license any wharf premises within the corporate area or any part or parts of such wharf premises as places for the sale by the importers thereof of edible roots and tubers and fruit

Sale of edible roots and tubers, etc., at wharves.



imported into Kingston from any out-ports of this Island or from beyond the seas.

What owners, etc., of wharf premises must do to obtain license.

147—Any owner, lessee or occupier of wharf premises desiring to have the same so licensed shall give notice in writing of such desire to the Council and shall therein state the situation of the said wharf premises, or the part or parts thereof intended to be used for such sales.

Inspection to be made of premises in respect of which application for license is made.

148—Upon such application being made the Council shall direct a Clerk of the market or some other competent person to inspect and examine the premises in respect of which the application is made, and to report the particulars thereof and whether they are suitable for the purposes proposed and whether they are supplied with all the necessary requirements conveniences and appliances, so as to prevent the same becoming a nuisance to the neighbourhood, and upon such report the Council may either grant or refuse a license or otherwise deal with the application as to them may seem proper.

Payment of license fee.

149—Every person to whom any license under this Law is granted shall pay therefor such license fee as the Council shall from time to time fix with the approval of the Governor in Privy Council. Every such license shall be in such form and subject to such terms and conditions as the Council shall from time to time direct or approve, and shall be in force for one year from its date and no longer, but shall be renewable from year to year on payment of the actual license fee therefor without the necessity of any further inspection and report unless the Council shall specially require a further report to be made before renewing any license.

Licenses in force at coming into operation of this Law.

150—All such licenses in force at the coming into operation of this Law shall be deemed to be licenses issued under the provisions of this part of this Law.

Licensed wharf premises deemed to be markets for sale of edible roots, etc.

151—All wharf premises so licensed shall be and be deemed to be markets limited to and for the sale of edible roots and tubers and fruit brought in vessels coastwise or from beyond the seas within the corporate area and shall

be under and subject to the control of the Council, and to the like supervision and inspection as the markets within the corporate area, and all sales at any such licensed premises shall be in quantities not less than the minimum weight or quantity which shall from time to time be prescribed by the Council.

152—The licenses granted under this Law and the premises thereby licensed, and the parties to whom such licenses are granted, shall be under and subject to such of the rules made under section 143 of this Law as the Council may from time to time by notice in the Gazette declare to be applicable to such licenses, licensed premises and parties respectively, and to such further rules, as may at any time or times be made under the said section, or under any power herein contained; and all persons selling in such licensed premises shall pay to the Council in respect of the roots, tubers and fruit exposed for sale by them such fees as shall by rule from time to time be prescribed.

Licenses and  
licensed  
premises, etc.,  
subject to rules.

153—No person shall sell or expose for sale in any such licensed premises any edible roots or tubers or fruit, except the importer thereof from cutports of this Island or from beyond the seas, or his lawful agent.

By whom sale  
is to be made on  
such licensed  
premises.

154—Every person shall be guilty of an offence against this Law, and shall on conviction before a Resident Magistrate or two Justices of the Peace be liable to a maximum penalty of five pounds, recoverable summarily, who does any of the following things, that is to say:—

Penalty.

- (a) sells or exposes for sale any edible roots or tubers or fruit on any wharf premises not licensed under this Law;
- (b) sells or exposes for sale on any premises licensed under this Law any edible roots or tubers or fruit of which he is not the importer, or the general agent of the importer thereof;
- (c) sells any edible roots or tubers or fruit in less than the prescribed minimum weight or quantity;
- (d) in any way refuses, neglects or evades, or attempts to evade payment of any fees payable by him



under this part of this Law, or under any ruler made thereunder;

- (e) knowingly permits on any premises licensed under this Law any sale of any edible roots or tubers or fruit in quantities smaller than the minimum prescribed weight or quantity or by any person not being an importer or the general agent or an importer of the goods sold.

#### COLD STORES.

Persons desiring to use any premises as cold stores must first obtain a license.

155—It shall not be lawful for any person to use any premises or places in the corporate area as cold stores without having first obtained from the Council a license for that purpose.

Granting of licenses.

156—The Council may grant a license for the use of any premises or places in the corporate area as cold stores and such licenses may be granted for such terms, upon such conditions and upon payment of such license fees as may from time to time be fixed by the Council with the approval of the Governor in Privy Council.

Terms on which licenses shall be granted, etc.

157—Every license issued under this part of this Law shall be granted on such terms and in such form as the Council shall from time to time direct and approve, and shall be in force for one year from its date and no longer, but shall be renewable from year to year on payment of the actual license fee therefor, without the necessity for any further inspection and report, unless the Council shall specially require a further report to be made before renewing any license.

Penalty on persons using or permitting to be used as cold stores any premises without first obtaining license.

158—Every person who shall use or permit to be used any premises or places in the corporate area as cold stores without having first obtained a license for that purpose from the Council shall be liable on summary conviction before a Resident Magistrate to a penalty not exceeding five pounds and in default of payment to imprisonment not exceeding one month.

License to be obtained for selling fresh meat at or from cold stores.

159—It shall not be lawful for any licensee of any cold stores to sell any fresh meat at or from such cold store without having first obtained from the Council a license for that purpose.

160—All licenses in force at the coming into operation of this Law, shall be deemed to be licenses issued under the provisions of this part of this Law.

Licenses in force at coming into operation of Law.

161—The Council may grant to the licensee of any cold stores a license to sell fresh meat at or from such cold stores, and such licenses may be granted for such terms and subject to such conditions and to the payment of such license fees as may from time to time be fixed by the Council, such license fees not to exceed the license fees for the time being payable in respect of shops or premises licensed for the sale of meat under this part of this Law.

Council may grant license to sell fresh meat at or from cold stores.

162—Every license granted under this Law to sell fresh meat at or from any licensed cold stores shall be granted on such terms and in such form as the Council shall from time to time direct and approve, and shall be in force for one year from its date and no longer, but shall be renewable from year to year on payment of the actual license fee therefor, without the necessity for any further inspection or report unless the Council shall specially require a further report to be made before renewing any license.

Terms on which license shall be granted.

163—Any fresh meat delivered from any cold stores, whether such delivery be made in pursuance of a contract of sale or otherwise (except meat delivered at any premises, licensed for the sale of meat under this part of this Law or at any public market in the corporate area) shall be deemed to be sold within the meaning of this part of this Law.

Delivery of fresh meat from cold stores.

164—(1) The licensee of any premises or places used as cold stores shall pay to the Council in respect of all fresh meat sold from such cold stores, tolls or dues at such rates as may from time to time be fixed by the Council, but not exceeding in any case the tolls or dues payable in respect of meat sold in the public markets and in premises licensed for the sale of meat under this part of this Law.

Payment of tolls or dues.



Penalty on persons selling fresh meat from cold stores without having first obtained license.

(2) Every person who shall sell any fresh meat from any cold stores without having first obtained a license for that purpose from the Council, shall be liable on summary conviction before a Resident Magistrate to a penalty not exceeding five pounds and in default of payment to imprisonment not exceeding one month.

Council may make by-laws and rules.

165—The Council may from time to time make such by-laws and rules as they may think proper—

- (i) for enforcing cleanliness in all cold stores in the corporate area;
- (ii) for fixing the hours during which any fresh meat may be delivered therefrom;
- (iii) for imposing on the licensee of any cold stores the obligation of making such returns as to the quantities and the description of any fresh meat from time to time received into such cold stores and from time to time delivered therefrom, and the destination of any fresh meat from time to time delivered therefrom; and
- (iv) for such other purpose as the Council may deem necessary for this part of this Law and generally for giving effect to and more effectually carrying out the provisions of this part of this Law.

#### POUNDS.

Vesting and control of pounds already in existence.

166—All pounds already in existence within the corporate area shall on the coming into operation of this Law be vested in and be under the control of the Council. It shall be lawful for the Council to erect additional pounds on convenient sites within the corporate area when necessary and to close existing pounds or remove them to any other place within the corporate area where the Council shall consider a pound is more required. All existing pounds and any additional pounds erected within the corporate area shall be regulated, managed, operated and maintained in accordance with the provisions of any Law for the time being in force regulating public pounds, and all fees or sums of money received under the provisions of any such Law by the keeper of any pound shall be paid over to the Town Clerk of the Corporation for the purposes of the Council.

Additional pounds.

### CEMETERIES.

167—The public cemetery situate within the corporate area and known as the May Pen Cemetery shall be and is hereby vested in the Council to be held and used as a cemetery for the corporate area, and all existing estates, interests, rights, uses and trusts in any way affecting the same are hereby determined.

May Pen Cemetery.

168—(1) It shall be lawful for the Council with the approval of the Governor in Privy Council as and when occasion may arise, to establish any other public cemetery within the corporate area and to maintain and control the same.

Council may establish any other public cemetery, etc.

(2) For the purpose of acquiring and establishing any such public cemetery, it shall be lawful for the Council with the approval of the Governor in Privy Council, to raise a loan, and to borrow such moneys as may be necessary for such purposes, upon such terms and conditions as the Governor in Privy Council shall approve.

Loan may be raised and moneys borrowed for such purposes.

(3) Any land required for the purpose may be acquired under the Land Clauses Law, 1872, or any Law passed in amendment thereof or in substitution therefor or in any other manner.

Land may be acquired under Land Clauses Law, 1872.

169—(1) All existing public cemeteries in the corporate area and any public cemeteries hereafter acquired or established shall be maintained and regulated under the provisions of Law 21 of 1874, the Kingston Cemetery Law, 1874, or any Law passed in amendment thereof or substitution therefor.

Existing public cemeteries, etc. maintenance of.

(2) All references in the said Law to the Municipal Board of Kingston or to the Board shall be deemed to refer to and to mean the Council constituted under this Law.

What references to Municipal Board in Law 21 of 1874 shall be deemed to mean.

### POOR HOUSES.

170—The property known as the Union Poor House for the parishes of Kingston and St. Andrew together with its appurtenances shall be and is hereby vested in the Corporation upon trust for the purposes of a Poor House for the corporate area; and such Poor House shall be regulated,

Vesting of Union Poor House in Council, etc.



managed and controlled in accordance with the provisions of any Law for the time being in force regulating Poor Houses and the relief of the poor.

Establishment  
of additional  
Poor Houses.

171—(1) It shall be lawful for the Council, if occasion shall arise, with the approval of the Governor in Privy Council, to establish any additional Poor Houses for the corporate area, and for such purpose to acquire, with the like approval, any land or property that may be necessary for the purpose, either out of the funds belonging or accruing to the Council or out of any loan for the purpose, the raising of which may be sanctioned by the Governor in Privy Council. Any additional Poor House so established shall be regulated managed and controlled in accordance with the provisions of any Law for the time being in force regulating Poor Houses and the relief of the poor.

(2) Any land required for the purpose may be acquired under the Land Clauses Law, 1872, or any Law passed in amendment thereof or in substitution therefor, or in any other manner.

#### FIRE BRIGADES.

How Fire  
Brigades shall  
be maintained,  
etc.

172—All Fire Brigades established and maintained within the corporate area or any part thereof shall be under the control and management of the Council and shall be maintained, regulated and controlled in accordance with any Law for the time being in force regulating the maintenance and control of Fire Brigades.

Powers of  
Council with  
respect to  
establishment,  
maintenance, etc.  
of Fire Brigades.

173—(1) It shall be lawful for the Council with the sanction and approval of the Governor in Privy Council—

- (a) to establish and maintain out of any funds belonging or accruing to the Council any new or additional Fire Brigades for any part of the corporate area;
- (b) to enlarge any Fire Brigade in existence on the coming into operation of this Law, and to extend the limit or limits within the corporate area within which such Fire Brigade shall be operated;
- (c) and generally, with the approval and sanction of the Governor in Privy Council, to adopt such

measures and make such arrangements as may to them seem necessary for affording more efficient and extended protection against fire within the corporate area.

(2) Any such new or additional Fire Brigade so established shall be regulated, controlled and maintained either under the provisions of any Law for the time being in force regulating the maintenance, management and control of Fire Brigades within the corporate area, or under such regulations for the maintenance, management and control of the same as may from time to time be made by the Council with the approval of the Governor in Privy Council.

(3) All such regulations when made and published in the Gazette shall have the full force and effect of Law.

#### GAS WORKS.

174—(1) All Gas Works situate within the corporate area shall remain and are hereby declared to be vested in the Colonial Secretary of Jamaica and his successors for the benefit of the inhabitants of the corporate area and shall be held by him and them for the purposes of Gas Works and for securing the repayment of any loan and interest thereon raised for the provision, erection or maintenance of such Gas Works: Provided that the Council shall have the entire occupation, management of and control over the said Gas Works, subject to any directions that may be given to them by the Governor and subject to any rules made under any Law for the time being in force regulating Gas Works.

Vesting of Gas  
Works in Colo-  
nial Secretary of  
Jamaica and his  
successors

(2) Such occupation, management and control over Gas Works, and the imposition, payment, recovery and enforcement of payment of rates or sums of money due from persons making use of the gas shall be exercised and regulated by and under the provisions of any Law for the time being in force regulating the same, or under regulations and by-laws for the purpose which the Council are hereby authorised to make with the approval of the Governor in Privy Council.

(3) Such regulations and by-laws when approved by the Governor in Privy Council and published in the Gazette shall have the force and effect of Law.



Gas rates in force on coming into operation of this Law shall continue, etc.

175—All gas rates under the provisions of any Law in force on the coming into operation of this Law shall continue in force and effect until any new gas rates may be imposed under the provisions of any such Law.

#### WATER WORKS.

Vesting of Water Works in Colonial Secretary and his successors.

176—(1) All Water Works in existence within the corporate area on the coming into operation of this Law shall remain and are hereby declared to be vested in the Colonial Secretary of Jamaica and his successors for the benefit of the inhabitants of the corporate area, subject to such trusts affecting the same as are declared and expressed in any Law regulating the establishment, maintenance and control of such Water Works; Provided that the Council shall have the entire occupation, management of and control over the said Water Works, subject to any directions that may be given to them by the Governor and subject to any rules made under any such Law or Law.

(2) Such occupation, management and control and the imposition, payment, recovery and enforcement of payment of rates or sums of money due from persons making use of the water shall be exercised and regulated by and under the provisions of any Law for the time being in force regulating the same.

Existing compulsory water rates to remain in full force.

177—All compulsory water rates in existence on the coming into operation of this Law, within any part of the corporate area, shall remain in full force and effect.

Existing voluntary water rates, etc., to remain in force, etc.

178—All voluntary water rates or agreements for the supply of water in force on the coming into operation of this Law shall continue in full force and effect until any new agreements may be made under the provisions of any such Law, and shall be recoverable, collectable and payable in accordance with and under the provisions of any Law for the time being in force regulating such recovery collection and payment.

179—(1) It shall be lawful for the Council with the approval of the Governor in Privy Council—

(a) to extend any existing Water Works within the

corporate area, with a view of giving a more extended or efficient supply of water; and

(b) to establish and maintain any new Water Works for the same purpose.

(2) Any land required for the purpose of any such extension or for the establishment and maintenance of any new Water Works may be acquired under the Land Clauses Law, 1872, or any Law passed in amendment thereof or in substitution therefor or in any other manner.

180—Any extension of existing Water Works or any new Water Works may be established, erected and maintained, with the approval of the Governor in Privy Council out of any funds belonging or accruing to the Council, or out of any moneys that may be raised by loan for the purpose: Provided however, that any loan to be so raised and the terms and conditions of repayment of the same shall have received the sanction of the Governor in Privy Council and be authorised by Law or by resolution of the Legislative Council.

How extension of Water Works, etc., may be carried out.

181—Any extended Water Works or new Water Works established under the provisions of this section shall be vested in the Colonial Secretary of Jamaica and his successors for the benefit of the inhabitants of the corporate area: Provided that the Council shall have the entire occupation, management of and control over the same, subject to any directions that may be given to him by the Governor.

Vesting of extended or new water works in Colonial Secretary and his successors.

182—It shall be lawful for the Council by resolution to fix and declare a compulsory water rate for any part of the corporate area in which no compulsory rate is now imposable, leviabie or collectable, and to prescribe the portions of, and limits within the corporate area to which such water rate shall for the time being extend, and from what date it shall come into force within such prescribed portions or limits respectively, and at what times and places and by what instalments and in what manner the same shall be payable, and thereafter from time to time

Powers of Council with respect to fixing of rates.



in the discretion of the Council by resolution, to increase, diminish or otherwise modify the prescribed water rate and the portions of and limits within the corporate area to which the same or any modification thereof shall extend and to alter the prescribed times, places, instalments and manner, or to make any one or more of such alterations or modifications: Provided that such water rate may be fixed and declared in the discretion of the Council either by a uniform rating on the value of the property in respect whereof the same is payable or by a graduated scale of charges, based either on such value or on the supply of water, and may be altered from the one to the other: Provided also that every such water rate and every modification thereof shall be subject to approval by the Governor in Privy Council, who shall have power to approve, alter or amend the same and provided also that every such resolution shall fix and declare the day when the same shall come into force, such day not being less than one month after the date of such fixing and declaration or of such resolution; but no person in possession of property shall be liable to pay such rate until the Council is prepared to deliver water at the boundary line of the property of which he is in possession.

## PART IX.

### LICENSES.

To whom  
moneys arising  
or accruing from  
licenses to deal  
in, sell, etc.,  
gunpowder, etc.,  
are to be paid.

183—Subject as herein mentioned all moneys arising or accruing from the licenses and license duties specified hereunder under the provisions of any law for the time being in force regulating and providing for grants of such licenses shall be paid over to the Town Clerk for the purposes of the Corporation.

### LICENSES AND LICENSE DUTIES.

- (a) To deal in sell or barter any gunpowder or fire-arms of any description issued within the corporate area.
- (b) To deal in the purchase and sale or barter and exchange of any manufactured iron, copper, lead, brass or other metal substances which may have been already in use, and also in articles of

manufactured gold, silver, plate, plated ware and jewellery which may have already been in use, and precious stones and bullion, issued within the corporate area.

- (c) To carry on a trade or business issued within the corporate area.
- (d) To hawkers and pedlars issued within the corporate area.
- (e) License duties in respect of horsekind, asses, wheels, and also for the keeping and using of fire arms on the premises of the owner issued within the corporate area.
- (f) License duties on motor vehicles payable under the provisions of any Law for the time being in force regulating motor cars, motor cycles, motor trucks and traction engines licensed within the corporate area either wholly or in part in accordance with any Law for the time being in force regulating the payment of the whole or a proportionate part thereof.

184—All moneys to be paid over to the Town Clerk under the provisions of this part of this Law shall be paid over subject to the provisions of any Law for the time being in force regulating any re-imbursement to be made to general revenue for collection of the same.

Moneys to be paid over subject as mentioned

## PART X.

### POLICE REGULATIONS.

185—In the reading and construction of the Kingston Police Law 1881 (Law 36 of 1881) and all Laws incorporated with or amending the same or substituted therefor the Municipal Board shall mean and be read as the Council constituted under this Law and the powers and authorities conferred by such Law and any Law incorporated with or amending the same or substituted therefor shall be exercisable by the Council, and all fees payable under the said Law and any Laws incorporated with or amending the same or substituted therefor shall be paid to the Town Clerk for the purposes of the Corporation.

What "Municipal Board" shall mean in the reading and construction of Law 36 of 1881, etc.



Regulations  
which shall  
remain in force.

186—All regulations made under the provisions of the above mentioned Law or any Laws incorporated with or amending the same or substituted therefor, shall remain in full force and effect as if they were regulations made by the Council, until regulations shall be made under the provisions of this Law.

Matters in  
relation to which  
Council may  
make, alter or  
revoke regula-  
tions.

187—It shall be lawful for the Council from time to time to make alter and revoke regulations in relation to all or any of the following matters, and in such regulations to provide for the payment of fees for inspection and reports, the granting of licenses and the payment of fees therefor, as may be applicable to any subject matter of such regulations. Provided that such regulations may extend to the whole or any part of the corporate area.

- (1) The weight, sale and price of bread.
- (2) The conditions under which milk may be sold and the sale of milk.
- (3) The use of public landing places—
  - (a) for passengers, and
  - (b) for goods.
- (4) The licensing of porters and street messengers
- (5) Prohibiting and/or regulating
  - (a) licensing and keeping, and
  - (b) the use of public billiard tables.
- (6) Prohibiting and/or regulating the keeping of swine, goats, sheep, dogs, horsekind, cattle or poultry.
- (7) (a) The licensing of,
  - (b) the management and requirements of, and
  - (c) the preservation of order and safety in places of public amusement.
- (8) The preservation of order and safety in places of religious worship.
- (9) The use of race courses and public recreation grounds.
- (10) Prohibiting and/or regulating the erection of posts, poles and awnings in any thoroughfare or public place (notwithstanding any license or custom heretofore to the contrary).
- (11) Prohibiting and/or regulating public cries, adver-

tising noises, steam whistles, bill-posting and the ringing of bells in any thoroughfare or public place, the exhibition of advertisements, handbills, posters, notices or signs in any thoroughfare or public place, or publicity on any land, tree, wall, fence, post, side-walk or erection whatsoever adjoining any thoroughfare or public place.

(12) Prohibiting, regulating and/or suspending traffic of any kind whatsoever in any thoroughfare or public place.

(13) Regulating the closing up of portions of any thoroughfare or public place altogether, partially, permanently or temporarily.

(14) (a) The opening of the surface of any thoroughfare or public place;

(b) the laying and repairing of drains, gas and water mains and pipes;

(c) the construction and repair of sewer mains and pipes;

(d) the erection of lamp posts, and

(e) the laying and repairing of wires, cables and conduits underground in any thoroughfare or public place.

(15) Prohibiting and/or regulating the driving of animals over any thoroughfare or in any public place.

(16) Prohibiting and/or regulating nuisances likely to arise from the erection or repair of buildings, fences and walls adjoining any thoroughfare or public place.

(17) Prohibiting—

(a) the throwing of missiles;

(b) the flying of kites;

(c) the playing of games, and

(d) the discharging of firearms and display of fireworks in any thoroughfare or in any public place.

(18) Prohibiting and/or removing encroachments and nuisances in any thoroughfare or public place.

(19) Prohibiting and/or regulating the holding of meetings in any thoroughfare or public place.

(20) Prohibiting and/or regulating the establishment,



equipment and maintenance of private hospitals and sanatoriums.

- (21) Prohibiting and/or regulating the carrying of weapons on shore by persons other than members of His Majesty's Land, Sea or Air Forces, members of the Jamaica Constabulary Force or other persons duly authorised so to do.
- (22) Hackney carriages, the animals and equipment used therewith, their owners, drivers, passengers and persons desiring to hire the same and the fares to be charged whether by prescribed districts or distance and to be ascertained by meters or otherwise.
- (23) Wherries and boats plying for hire in the harbours of Kingston and Saint Andrew, their equipment, owners, seamen, passengers, and persons desiring to hire the same.
- (24) Commercial vehicles, their owners, drivers, persons hiring and desiring to hire the same.
- (25) The prevention of and protection against fire.
- (26) Loitering in thoroughfares and public places.
- (27) Beggars, vagrants and mendicants.
- (28) The opening up of new thoroughfares and public places and the stopping up of thoroughfares and/or public places.
- (29) Public bathing places and baths.
- (30) The inspection of factories, workshops, garages and places where combustible materials are kept or stored, with a view to the prevention of accidents.
- (31) Parking of vehicles in any thoroughfares or public places.
- (32) Prohibiting and/or regulating the exposing of goods for sale and the sale of goods on any piazza opening in any thoroughfare or in any public place and the exposing for sale and sale of goods in any thoroughfare or public place.

Regulations  
subject to  
approval of  
Governor in  
Privy Council.

188—All such regulations shall be subject to the approval of the Governor in Privy Council, who may allow, disallow, alter or add to such regulations or any of them.

189—Such regulations shall respectively come into force on such day as the Governor shall appoint by notice in the Gazette and shall be published in such manner, at such times and in such special localities as the Council shall from time to time direct, and a copy of all such regulations for the time being in force shall be kept exhibited in the office of the Council and open for general inspection during office hours.

When regulations shall come into force.

190—It shall be lawful for the Mayor on any special occasions, when he has reason to anticipate a greater crowd than usual, to assemble at a given place to make temporary regulations which shall be observed by all persons with respect to the following matters:—

Powers of Mayor to make temporary regulations with respect to assembling of crowds.

- (1) The route to be taken by all carts, carriages or other vehicles going to or past or coming from such place, with power to prohibit any cart, carriage or vehicle from coming into any street or part of a street for the purpose only of passing to its destination in some other street or part of a street.
- (2) The line to be kept by persons riding or driving to, from or past such place.
- (3) The exclusion of persons from any street or part of a street.

Notice shall be given of the making of any such temporary regulations by affixing a printed copy or copies thereof to some conspicuous part of the office of the Council and to such other convenient places throughout the corporate area as the Mayor may direct. No such temporary regulations shall be of any force or effect for more than six days. In any proceeding to be taken under this section production of a printed paper purporting to be a copy of a temporary regulation made under this section, with proof that at least forty-eight hours before it was to come into operation a similar printed paper was affixed to some conspicuous part of the office of the Council and to some other place within the corporate area, shall be sufficient proof of the due making and publication of such regulation.



## PART XI.

## FINANCIAL.

## ANNUAL ESTIMATES OF REVENUE AND EXPENDITURE.

Estimates of  
income  
receivable and  
expenditure to  
be submitted to  
the Governor.

191—The Council shall, on or before the first day of January, in each year, prepare and submit to the Governor a true estimate of the income receivable and the expenditure to be incurred during the financial year commencing on the first day of April then following, and the Governor shall submit the same to the Legislative Council, which may approve or amend the same. In considering such estimate for the purposes of approval or amendment of the same the provisions of Clause 8 of the Order in Council made at the Court at Balmoral on the third day of October in the year eighteen hundred and ninety five by Her Majesty in Council shall be regarded as applicable to the financial matters dealt with under this section. No further sums shall be expended in any year thereafter than as provided in such estimates, unless the same shall have been included in a supplemental estimate of expenditure to be from time to time submitted before the Legislative Council which may approve or amend the same: Provided that if the Legislative Council is not in session such supplemental estimate shall be submitted for approval to the Governor in Privy Council: Provided also that the Council may at any time during the year authorise a saving under any sub-head of expenditure in such estimates to be applied to meet an excess under another sub-head: Provided further that in respect of any portion of such years as may have elapsed before the sanction of the estimate for such year it shall be lawful for the Council provisionally to expend in each week in respect of any matter any sum not exceeding one-fifty-second part of the estimate for similar work services or salaries in the previous financial year, or by leave of the Governor any such further sum as the Governor may sanction.

How funds are  
to be applied.

192—The funds or money belonging or payable to and collected by the Council under and by virtue of this Law or any Law shall, after due provision has been made wit

the approval of the Governor in Privy Council for interest and sinking fund on any loans for which the Council is liable or responsible under this or any Law, be applicable towards payment of the following:—

- (a) Annual salary or allowance, if any, of the Mayor.
- (b) The salary and other remuneration of the Town Clerk, and the other officers and employees of the Council.
- (c) Payment of any fees payable to the Revising Officer appointed to revise the voters list; the payment of the fees payable to the Barrister appointed to act as the Mayor's assessor at elections under this Law.
- (d) The payment of any pension superannuation allowance or gratuity granted under this Law.
- (e) Payment of the expenses of prosecuting offenders against this or any other Law and any by-Laws, rules or regulations made by the Council.
- (f) The maintenance and management of Markets, Slaughter Houses, Water Works, Cemeteries, Fire Brigades and every other work under the control of the Council under the provisions of this Law or hereafter entrusted to the Council by virtue of any Law.
- (g) The application and granting of poor relief.
- (h) The reconstructing, repairing, draining, cleaning, and lighting of the streets, footways, squares, and other public places vested in the Council, or under their control and management.
- (i) The disposal and destruction of street and house refuse and rubbish.
- (j) The maintenance and preservation of all corporate property.
- (k) The payment of any sums payable by the Council under any judgment of any Court of Law.
- (l) Generally, towards the payment of all expenses of and incidental to the carrying out of the provisions of this Law, and of all works and matters incidental thereto.



# BANKING ACCOUNTS, RECEIPT AND PAYMENT OF MONEYS AND AUDIT.

Moneys shall be paid into bank or banks.

193—(1) All moneys of the Council shall be paid into some bank or banks appointed by resolution of the Council.

(2) The Town Clerk shall every day, so far as practicable pay into such bank or banks all moneys received by him before the closing hour of such bank or banks, save and except such sum as he may be authorised by resolution of the Council, to retain in his hand to meet immediate payments.

Matters as to which Council may make regulations.

194—The Council by resolution, may, from time to time make regulations as to all or any of the following matters:—

- (a) as to the title of any account with any bank into which the moneys of the Council may be paid in pursuance of a resolution of the Council, the custody of the pass book and paid cheques, and generally as to all matters necessary for the proper keeping of the account;
- (b) authorising the transfer from such account of any sum to a deposit account, or the re-transfer of any sum from such deposit account to the current account.

Signing and countersigning of Cheques.

195—Cheques against any banking account of the Council shall be signed by the Town Clerk and countersigned by the Mayor.

How payments from funds shall be made.

196—No payment out of corporate funds, except petty disbursements, shall be made by the Town Clerk, except upon vouchers duly passed and signed by the Mayor, or by the Mayor and such one or more Councillors as the Council, may by resolution appoint for the purpose.

Receipts.

197—Receipts issued for moneys paid to the Council may be signed for the Town Clerk by the officer appointed by the Council to receive such moneys.

198—(1) The accounts of the Council shall be subject to audit by the Auditor General in all respects as if the Council were a department of the Public Service of the Island accountable to the Governor in respect of moneys received or expended in the business of such department.

Auditing of  
accounts.

(2) Any sum expended at the instance of the Council, deemed by the Governor after a report by the Auditor General as not authorised by the estimates of expenditure which have been passed howsoever charged in the accounts of the Council, or any amounts expended, although properly classified, in excess of an amount authorised by the estimates or by the Governor, shall be recoverable from the Mayor, or any Alderman, Councillor or official signing the cheque, or ordering such payment by cash.

(3) Any liability of the Mayor, Aldermen, Councillors, Town Clerk or other officer of the Council under this section, may be enforced by action of debt at the suit of the Treasurer, on the certificate of the Auditor General, that the amount stated in the claim is recoverable, and any moneys recovered in any such action shall be carried to the credit of such account as the Auditor General shall direct.

199—(1) The Governor may from time to time make any orders, rules or regulations that may seem to him necessary or proper, and may from time to time revoke or vary the same respecting the examination and audit of any books of accounts or vouchers of the Council including the form of keeping the books of account or the accounts, the day or days to which the accounts are to be made up, the time within which the books, accounts and vouchers are to be sent to the Auditor General or otherwise submitted for examination and audit, the mode in which they or any of them are to be certified and vouched, the mode of publishing any such accounts, the persons by whom the books of accounts or the accounts and vouchers are to be produced for examination and audit, and the mode of conducting the examination and audit.

Power to make  
rules and  
regulations.

(2) As soon as may be after the close of each financial year, the Auditor General shall submit the accounts of the past year to the Governor, duly certified by him and



accompanied by such remarks as he may deem it his duty to make, on any items in such accounts, and by a report on the financial position of the Council.

(3) Such accounts shall be published in the Gazette.

(4) All orders, rules and regulations which shall be made by the Governor in pursuance of this section shall be binding on and shall be obeyed, performed and observed by all persons concerned or affected thereby; and the Council shall cause effect to be given to the requests and instructions of the Auditor General in relation to any examination or audit under this Law.

(5) The Auditor General shall have the power from time to time to call for any returns, books or papers relating to or in any wise concerning any of the accounts under his examination, or the receipt or expenditure of any moneys, or any other matter of enquiry which he is or may be authorised to make which may be necessary for the purposes aforesaid, and to keep such books, accounts or vouchers and papers for such time as he may require the same, and also to send for and examine upon oath (which oath the Auditor General is hereby authorised to administer) any such officer or any person entrusted with any money touching any matter or thing relating to the accounts of the Council, or the receipt or expenditure of any money or any other matter of enquiry as aforesaid.

(6) Any officer or person so examined, who shall wilfully give false evidence, shall be deemed guilty of perjury and on conviction shall be liable to the penalties by any Law in force in this Island imposed upon persons guilty of such offence.

Payment in  
respect of Audit.

200—The Council shall pay from the income in each year in respect of such audit such amount as may from time to time be fixed by the Council.

Keeping of  
accounts.

201—The Council shall keep an account or accounts in such form and manner as may be approved by the Governor in Privy Council of its revenue from all sources of sums payable to the Council.

### TEMPORARY DEPARTMENTAL ADVANCES.

202—It shall be lawful for the Council, from time to time and on such terms as they may think fit, to advance temporarily from the moneys forming part of any of their separate funds such sum or sums as may be required for works or services properly chargeable against any other of such funds: Provided that all such advances shall be repaid before the end of the financial year in which they are made.

Power of Council to make temporary departmental advances.

### BORROWING POWERS.

203—The Council may with the approval of the Governor in Privy Council, borrow at interest on the security of the corporate lands or on any lands intended to be purchased by the Council, or on any funds belonging or accruing to the Council, or on all or any of these securities, such sums as the Council may from time to time think requisite for the purchase of lands or for the erection of any buildings authorised by this Law or for any Municipal Works authorised: Provided that the Council may increase any rate imposable and leviable under the provisions of this Law for the purpose of paying the principal and interest on any such loan; provided also that the particulars of the work proposed, and the estimated cost thereof, the amount of the loan necessary to provide for such cost, and the mode of repaying such loan by the Council shall first have been approved by the Governor in Privy Council, and after having been submitted by the Governor for the consideration of the Legislative Council, shall have received the approval of that Council by resolution duly passed; and provided further that in no case shall any loan be raised until the Secretary of State for the Colonies has approved of the same.

Power of Council to borrow money for erection of buildings, etc.

204—The Council may, with the sanction of the Governor in Privy Council borrow, as temporary advances, such sum or sums of money as they think proper for defraying expenses included in the approved estimates payable out of the ordinary revenue of the Council: Provided always that every such advance shall be repaid before the expiration of the financial year in which the same shall have been made to the Council.

Power of Council to borrow money for defraying certain expenses.



## PART XII.

## IMPROVEMENTS.

Interpretation  
of terms.

205—In the interpretation of this part of this Law: The words “improvements,” “local improvement,” “work,” “works,” and “services” shall include all work in connection with the—

- (a) opening, widening, extending, prolonging, altering the grade of, or diverting any public street, lane, alley or place, or opening up of or establishing new streets or lanes in the corporate area; or
- (b) constructing or reconstructing any bridges, culverts, subways, or embankments as part of any public street, lane, alley, or place, or constructing or reconstructing any roadway or pavement thereon; or
- (c) constructing, reconstructing, enlarging, prolonging, or extending any common sewer, drain into or through the lands of any owner other than the corporation, and making all proper and necessary connections therewith; or
- (d) constructing or reconstructing roadways, macadamizing, paving, or curbing any public street, lane, alley, or place; or
- (e) resurfacing with wood-block paving, asphalt, or other suitable materials a pavement having a concrete foundation which, in the opinion of the City Engineer, is sufficient therefor; or
- (f) constructing sidewalks or footways in, upon, or along any public street, lane, alley, or place, and for reconstructing any such roadway, curbing, or side-walk or footway when the term of the special assessment therefor shall have expired, or the work or improvement shall be worn out; or
- (g) sodding any portion of and planting, maintaining, and caring for trees, shrubs, and plants upon and in any public street, square, or other public place.

206—(1) In order to pay or provide for the costs, charges and expenses incurred or to be incurred in relation to any improvements, local improvement, work, works or services, it shall be lawful for the Council from time to time to impose a rate or rates of such amount and for such period as may be necessary for all or any of such purposes.

Power of Council to impose rates for improvements, etc.

(2) Any such rate may be imposed upon properties situate in every district of the corporate area, or upon the properties situate in such district or districts as the Council may from time to time determine and define and may vary in the amount imposed on the properties in respect of each district having regard to the purpose for which such rate is imposed and the advantages to be derived by or conferred on any district.

Imposition of rate.

(3) The Council may from time to time alter, amend, increase or diminish any such rate if found to be excessive or insufficient.

Alteration of rate.

(4) The Council shall submit every such rate or alteration or amendment thereof for the approval of the Governor in Privy Council, who may alter, amend, increase or diminish the same, and such rate or alteration or amendment thereof shall come into effect on such date as the Governor in Privy Council may fix and determine.

Rates to be submitted to Governor for approval.

(5) Every such rate or alteration or amendment thereof when approved by the Governor in Privy Council shall be published in the Gazette at least seven days before the date fixed for the same to come into effect.

Rate to be published in Gazette.

(6) Every such rate shall be assessed, raised, levied, collected and paid to the Collector General in accordance with any Law for the time being in force regulating the raising, levying and collecting of Parish Rates, and the provisions of all such Laws shall, unless expressly excluded by this Law, apply to the assessment, raising, levying and collecting of such rates, which shall, after collection, be paid over by the Collector General to the Town Clerk: Provided always that no rate under the provisions of this section shall be imposed upon the properties situate in the rural district of the corporate area unless the improvements, local improvement, work, works or services for or in connection with which the rate is to be imposed shall be of direct benefit to the voters or inhabitants of such district,

Rates to be paid to Collector General.

Proviso.



and unless a resolution of the Legislative Council has been duly passed authorising the imposition of such rate upon the rural district.

Initiation of  
works.

207—All works or improvements as defined in this part of this Law shall be initiated in one of the modes hereinafter mentioned:—

- (a) On a sufficiently signed petition of the owners of the real property to be benefited thereby, or
- (b) On the report of the City Engineer adopted by the Council.

Procedure  
where Council  
receives petition  
praying for  
improvements,  
etc.

208—Upon receipt by the Council of a petition praying for any of the improvements or works within the meaning of this part of this Law, signed by at least three-fourths in number of the owners of any real property to be benefited thereby, according to the last-revised valuation roll prepared under the provisions of the Valuation Law, 1911 (Law 3 of 1911) or any Law now or hereafter passed in amendment thereof or in substitution therefor of the class of district in which such land is situate, which owners shall represent at least two-thirds in value of such real property, the Town Clerk shall forthwith examine and compare such petition with the last revised Valuation Roll prepared under the provisions of the Valuation Law, 1911 (Law 3 of 1911) or any Law now or hereafter passed in amendment thereof or in substitution therefor, and shall endorse thereon his belief that such petition has been duly signed by at least three-fourths in number of the owners of such real property to be so benefited, and as to whether the owners so signing represent at least two-thirds in value of such real property as aforesaid, whereupon he shall forthwith transmit such petition so endorsed to the City Engineer.

City Engineer  
shall examine  
petition and  
report to  
Council, etc.

209—Upon receipt of such petition for any such improvements or works, the City Engineer shall examine into the subject matter of the petition, and shall, with as little delay as possible, transmit to the Council a report in writing as to the necessity for or the advisability of under-

taking the proposed improvements or works. Should the Council decide that it is necessary or advisable to undertake the work, the City Engineer shall report as follows:—

- (1) The nature of the proposed works;
- (2) The total estimated cost of the work, including
  - (a) the probable contract price;
  - (b) the amount of any land damages necessarily resulting from the construction thereof; and
  - (c) any engineering expenses connected therewith;
- (3) The probable lifetime of the work.

210—It shall be the duty of the Council on the receipt of the reports of the City Engineer mentioned in sections 207 and 209 hereof, to forward to the Governor the said reports and the petition, if any, together with the report in writing of the Council as to the financial arrangements in respect thereof.

Petition and reports to be forwarded to the Governor.

211—On the receipt of the petition and reports, the Governor shall consider the matters thus referred to him, and in the event of the proposals being approved of by him, he shall cause the Council to be duly notified.

What the Governor shall do on receipt of petition and reports.

212—In case the City Engineer recommends any improvement, or works as a local improvement, without any petition, or any sufficiently signed petition, having been presented to the Council therefor, he shall report to the Council as hereinbefore directed and such reports if adopted by the Council and approved of by the Governor may be forthwith acted upon in the manner set out in the next succeeding section.

Procedure where City Engineer recommends improvement, etc., without any petition having been presented to Council.

213—Upon the receipt of the Governor's approval and subject to such directions as may be therein contained, the Council may carry out the work either by calling for tenders or by executing it themselves.

How work is to be carried out.

214—The Council may from time to time make such by-laws, rules or regulations as to them shall seem meet, for the purpose of carrying out the provisions of this part

Making of by-laws, &c.



of this Law; or the works authorised by this part of this Law: Provided that by-laws, rules or regulations shall not take effect unless and until such by-laws, rules or regulations have been approved by the Governor in Privy Council, and when so approved and published in the Gazette shall be of the same effect as if they were contained in this part of this Law, and shall be judicially noticed.

## PART XIII.

### GENERAL.

Land Clauses  
Law 1872,  
incorporated  
with this Law  
with certain  
exceptions.

215—The Land Clauses Law, 1872, is incorporated with this Law, except sections 10, 11, 84, 88, 90, 91, 92, 93, 101, 104, 105 and 106, so far as section 106 gives any right to the Treasurer to deduct a percentage for money paid into the Treasury, and except so far as the said Law is inconsistent with or varied by the provisions of this Law, and in construing the same the Council shall be deemed to be the promoters of the undertaking, and all costs and other sums of money payable in proceedings under such Law by the promoters of the undertaking shall be paid out of the Treasury, with the sanction of the Governor, from the fund to the credit of such promoters in the Treasury, and shall not be in any way chargeable against the individual members of the Council personally, nor shall they or any of them be liable personally for any penalty by the said Law imposed on the promoters of the undertaking.

Power of  
Council to alter  
any public road,  
etc.

216—The Council shall, with the approval of the Governor in Privy Council, have power to alter for the purposes of this Law any public road, street or land adjoining or near to the land acquired by them under this Law and may with the same approval acquire land under this Law for the purpose of adding to or altering any such road, street or land.

Surplus lands.

217—(1) Any surplus lands vested in the Colonial Secretary and so declared to be under this Law, and any lands which shall cease to be needed or used for the purposes of this Law may, with the sanction of the Governor

be sold by the Council or leased by them upon such terms and conditions and subject to such covenants, obligations and agreements as the Governor may in each case determine. Any land so sold shall be conveyed by the Colonial Secretary to such person and in such manner as the Council may direct: such land so conveyed shall be thereupon discharged from any trust created by this Law and the purchase money shall be paid into the Treasury and shall be applied and accounted for in the same way as other moneys accruing to or belonging to the Council. Any lease of any lands made under the provisions of this section shall be subject to any trust and obligations affecting the same.

(2) Any lease of any such lands made by the Corporation established under the Kingston and St. Andrew Corporation Law, 1923 (Law 3 of 1923) which is repealed by this Law shall be deemed and is hereby declared to have been validly made anything in the said Law to the contrary notwithstanding.

218—All by-laws, rules or regulations made under the provisions of this Law shall be published in the Gazette after they have been approved by the Governor in Privy Council, and at least one legible copy of such rules or regulations shall always be kept hung up in the office of the Council and when such by-laws, rules or regulations relate to markets or slaughter houses, in some conspicuous part of the market or slaughter house to which the same relate. It shall not be necessary in any proceeding to enforce such by-laws, rules or regulations to prove that the same have been published in the Gazette or that they have been kept duly hung up in the said places, but it shall be lawful to prove that they have not been so published or so hung up. A printed copy of the by-laws, rules or regulations purporting to be made and approved as directed by this Law and to be signed by the Mayor or Deputy Mayor for the time being as the case may be, shall be received as *prima facie* evidence of such by-laws, rules or regulations before all Courts and in all legal proceedings.

By-laws, etc.<sup>1</sup>  
shall be published in  
Gazette.



Making of by-laws for good rule and government of corporate area, etc.

219—(1) The Council may make in addition to any other by-laws, rules or regulations which they are authorised to make under this Law or under the powers, rights and obligations transferred to them by this Law, such by-laws, rules or regulations as to them shall seem meet for—

- (i) the good rule and government of the corporate area;
- (ii) the control and superintendence of the persons employed by them;
- (iii) the prevention and suppression of nuisances not already punishable in a summary manner by virtue of any Law in force throughout the corporate area;
- (iv) regulating the control, management, maintenance and conduct of any municipal work which they may from time to time be authorised to institute, establish and maintain for carrying into effect or enforcing the several powers conferred on them by this Law;
- (v) and generally, for fully carrying out the provisions of this Law in every respect;

and may from time to time add to, rescind, modify and vary any such by-laws, rules or regulations.

(2) Any by-laws, rules and regulations made by the Council after the commencement of this Law shall not take effect unless and until they have been confirmed by the Governor in Privy Council.

(3) Until by-laws, rules or regulations are made under the provisions of this Law all by-laws, rules and regulations made by any of the bodies dissolved by Law 3 of 1923 and in force and also all by-laws, rules and regulations made under Law 3 of 1923 and in force shall remain in full force and effect.

(4) If any damage be done by any person in breach of any by-laws, rules or regulations he shall be liable to pay in addition to any penalty the amount of such damage or in default of payment to imprisonment for any period not exceeding three months.

220—Where by this or any other Law now in force the Council is empowered to make by-laws, rules or regulations affecting premises or imposing any duties on the owners or occupiers thereof, the Council may make such by-laws, rules or regulations for the whole or any part of the corporate area and may make separate and different by-laws, rules or regulations for different districts of such area.

Making of by-laws, etc., for whole or any part of corporate area and separate by-laws, etc., for different districts.

221—It shall be lawful for the Council by a resolution passed by a two-thirds majority of the Councillors present at any meeting of the Council at which not less than nine members are present to expel for a limited time, or for the remainder of his term, any member of such Council for persistent obstructiveness or other misconduct tending to prevent the despatch of business or to bring the Council into discredit. If the expulsion is for the remainder of his term a vacancy shall be deemed to have arisen. Any member so expelled shall not be eligible for re-election as a member of such Council during the residue of the term for which such Council has been elected.

Council may by resolution expel any member.

222—(1) If the Council, in the judgment of the Governor, is incompetent to perform, or persistently makes default in the performance of the duties lawfully imposed upon it or exceeds or abuses its powers, it shall be lawful for the Governor in Privy Council, by an order published in the Gazette, to dissolve the Council.

Power of Governor to dissolve the Council.

(2) When the Council is so dissolved, the following consequences shall ensue:—

Consequences which shall follow dissolution of Council.

- (a) the Mayor, Deputy Mayor, Aldermen and Councillors shall, as from the date of the order, vacate their offices as such;
- (b) all powers and duties of the Council shall until a new Council shall have been constituted under this Law, be exercised and performed by such person or persons as the Governor may from time to time appoint in that behalf;
- (c) all property vested in the Corporation or in its occupation, control or management, shall during the period aforesaid, vest in the person or persons aforesaid, or be in their occupation, control and management:



Provided that no order for the dissolution of a Council shall be valid unless in and by such order a time is fixed for the election of a new Council in lieu of the Council so dissolved, not more than two years from the date of order.

Provided also that the Governor in Privy Council may at any time vary such order to the extent of diminishing the time fixed for the election of a new Council and substituting an earlier date for such election; but notice of such change of date shall be given by publication in the Gazette at least one calendar month in advance:

Provided further that in any case in which there is no Council, the same consequences shall ensue as if the Council had been dissolved under this section, and the Governor may make such orders as he would be empowered to make if he dissolved the Council under the authority of this section.

Actions and  
proceedings  
against Council.

223—All actions and proceedings to be commenced **against** the Corporation or any person or persons for **anything** done in pursuance or intended pursuance of this Law, shall be commenced within six months after the act committed and not otherwise and notice in writing of such action or proceedings and of the cause thereof shall be given to the Council, member or person against whom it is intended to bring such action or proceedings one calendar month at least before the commencement thereof, and in any such proceeding no plaintiff shall recover after tender of sufficient amends shall have been made before such action brought, if a sufficient **sum** of money shall have been paid into Court after such **action** brought, and if a verdict shall pass for the defendant, or the plaintiff shall become non-suited or discontinue any such proceeding after issue joined, or if upon demurrer or otherwise judgment shall be given for the defendant, the defendant shall recover his full costs as between solicitor and client and have the like remedy for the same as any defendant has by Law in other cases and if a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the judge, before whom the trial shall be, shall certify his approbation of the action.

224—Nothing in this Law contained shall affect the Electoral Districts of the parishes of Kingston and Port Royal and of the parish of St. Andrew, as constituted and appointed by any Order in Council (Imperial) for the time being in force creating and constituting a Legislative Council for this Island, so far as concerns the privileges of these parishes with regard to the election of members of the Legislative Council.

Electoral districts not to be affected by Legislative Council elections.

#### REGULATION POWERS.

225—The Council may make regulations with respect to all or any of the following matters:—

Matters with respect to which the Council may make regulations.

- (a) The manner of making application for the construction extension, alteration, and repair of house sewers and water closets and the plans and other documents to accompany such application.
- (b) The purposes for which and manner in which house sewers and water closets are to be used and the keeping of the same and every part thereof in a clean and sanitary condition.
- (c) The situation, number, nature, size, pattern and quality of drains, water closets, urinals, sinks, gullies, traps, pipes, and other appliances to be used in connection with any given class of premises.
- (d) The materials to be used in house sewers and water closets and surface drains for rain water.
- (e) The licensing and controlling of sanitary constructors and the withdrawal of licenses.
- (f) The repair of and the removal of obstructions from house sewers, water closets and drains and appliances to be used in connection therewith, and the inspection of the same from time to time and the fees to be charged for such repairs and removal of obstructions.
- (g) The preparation of plans to be submitted to the Council for any of the purposes of this part of this Law and the scale on which the same are to be drawn.
- (h) The carrying into effect and enforcing of the several powers conferred on the Council by this part of this Law.



Provisions with respect to holidays.

### TIME.

226—(1) Where by this Law or any regulation made hereunder, any payment, act or proceeding is required, directed or allowed to be made, done or taken on a certain day, then if that day happens upon a Sunday, Christmas day, Good Friday, Easter Monday, or any other day declared by any Law present or future or by any proclamation by the Governor issued under any Law present or future to be a public holiday in all public offices, the payment, act or proceeding shall be considered as made, done or taken in due time if it is made, done or taken on the next day afterwards, not being one of the days in this section specified.

(2) Where by this Law any payment, act or proceeding is required directed or allowed to be made, done or taken within any time not exceeding seven days, the days in this section specified shall not be reckoned in the computation of such time.

Penalty for contravening provisions of this Law or of any by-law, etc.

227—Any person who does any act in contravention of any of the provisions of this Law or of any by-laws, rules or regulations contained in this Law, or made under any powers conferred by this Law, or who fails, neglects or refuses to execute any work or do anything which he is under obligation or required to do by virtue of any of the provisions of this Law or of any such by-laws, rules or regulations or of any order or notice served upon him by the Council by virtue of this Law shall, unless some other penalty is provided therefor, be liable on summary conviction before a Resident Magistrate or two Justices of the Peace to a penalty not exceeding ten pounds and in default of payment thereof to imprisonment not exceeding one month; and in the case of a continuing offence to a further penalty not exceeding forty shillings for each day that such offence is continued after written notice thereof from the Council.

### FORM, AUTHENTICATION AND SERVICE OF NOTICES, ORDERS, ETC.

Form of notices, etc., required to be served by Council.

228—(1) Notices, orders, accounts, demands and any other documents required to be served, given or delivered by the Council under this Law or any other Law for the

time being in force or under any by-law, rule or regulation of the Council, may be in writing or print or partly in writing and partly in print; and, if the same require authentication, shall be sufficiently authenticated by the name of the Town Clerk, or any other duly authorised officer of the Council, being affixed thereto in print or in writing.

(2) Notices, orders, accounts, demands and other documents required or authorised to be served, given or delivered by the Council under this Law or any other Law for the time being in force or under any by-law, rule or regulation of the Council, may be served, given or delivered by delivering the same or a true copy thereof to or at the residence of the person to whom they are respectively addressed, or, where addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises; they may also be served by being sent through the post addressed to the owner or reputed owner by name at his last known place of abode or business, or at the premises to which such notice, order, account or other document relates.

(3) Any notice, order, account, demand or other document required by this Law or by any other Law for the time being in force or by any by-law, rule or regulation of the Council to be served, given or delivered by the Council on or to the owner or occupier of any premises may be addressed by the description of the owner or occupier of the premises (naming them) in respect of which the notice, order, account or other document is given, served or delivered, without further name or description.

229—(1) On the coming into operation of this Law, all the powers, rights, duties, capacities, liabilities and obligations which were exercisable by or attaching to the corporate bodies dissolved by the Kingston and St. Andrew Corporation Law, 1923 (Law 3 of 1923) and were transferred and attached by the said Law to the Corporation created by it, which said Law is repealed by this Law, and also all property, real and personal, including all interests,

Transfer of  
powers, duties,  
etc., to Council.



rights and easements into or out of property real or personal (including things in action) which belonged to or was vested in the said corporate bodies so dissolved and were without any conveyance, assignment or other transfer vested in the Corporation so created by the said Law now hereby repealed subject as in the said repealed Law mentioned shall, after an election of the Mayor, Aldermen and Councillors under the provisions of this Law has been held and the Council duly constituted, be and are hereby transferred to and shall belong to and are hereby vested in the Council of the Corporation under this Law subject to any trusts affecting the same, and subject to all debts, liabilities and obligations affecting the same.

(2) All references in any Law or in any rule, regulation or by-law made under any Law or in any document whatsoever to—

- (a) the Mayor and Council of Kingston; or
- (b) the Kingston General Commissioners; or
- (c) the Managing Commissioner; or
- (d) the Parochial Board for the parish of St. Andrew;  
or
- (e) the Mayor or Chairman of the said Parochial Board

shall be deemed to refer, as the case may be, to the Corporation created and established by this Law or to the Mayor under this Law, after the first election of the Mayor, Aldermen and Councillors has been held and the Council constituted under this Law.

(3) All references in any Law or in any rule, regulation or by-law made under any Law or in any document whatsoever to—

- (a) the Municipal Board, or
  - (b) the Board of Parochial Road Commissioners,
- shall so far as the same relates to the parish of Kingston or the parish of St. Andrew, be deemed to refer to the Corporation or the Council thereof constituted under this Law, and all references in any such Law, rule, regulation or by-law as aforesaid, or in any document whatsoever to the City Surveyor, shall be deemed to refer to the City Engineer under this Law.

230—(1) The provisions of all Laws inconsistent with the provisions of this Law are hereby repealed. Repeal of Laws.

(2) The Laws mentioned in the sixth schedule to this Law are hereby repealed to the extent mentioned in the third column of the said schedule.

(3) The Laws mentioned in the seventh schedule to this Law are hereby amended to the extent mentioned in the third column of the said schedule.

231—This Law may be cited as the Kingston and St. Andrew Corporation Law, 1931.

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### FIRST SCHEDULE.

#### BOUNDARIES OF THE CORPORATE AREA.

From the line of the parish of St. Thomas at the mouth of the Bull Bay River along the right bank of the said River to a point nine chains south-east of Halberstadt Old Works; thence northerly in a straight line to the point where the Parochial Road from Halberstadt to Galloway crosses the Shooting River; thence, down the left bank of the Shooting River to its confluence with the Yallahs River; thence, up the right bank of the Yallahs River to its confluence with the Green River; thence, up the right bank of the Green River to the top of the Blue Mountain range; thence, westerly along the top of the Great Ridge, being the line of the parishes of Portland and St. Mary, to the source of the George's Spring; thence, down the left bank of the George's Spring to its confluence with the Wag Water River; thence, up the right bank of the Wag Water River to its confluence with the Tom's River; thence, up the right bank of the Tom's River to its source at New Ramble; thence, westerly along the top of the Ridge to the line of the parish of Saint Catherine; thence, southerly in a straight line through Mount Charles and Cassava River property to a spring being a tributary of the Cassava River, thence down the left bank of the said spring to its confluence with the said Cassava River; thence down the left bank of the Cassava River to its confluence with the Rio Pedro; thence, up the right bank of the Rio Pedro to the confluence of the Crooked Spring and Stony River; thence up the right bank of the Crooked Spring to Content; thence, southerly to the north-east corner of Mount Recovery at the Stony River; thence, up the right bank of the Stony River to its confluence with a spring north of the line of Rock Hall; thence, south easterly and southerly through Rock Hall, Park's Prospect and Claremont to the Fresh River; thence, down the left bank of the Fresh River to its confluence with the Salt River; thence, down the left bank of the Salt River to its mouth at Hunt's Bay at Kingston Harbour; thence, easterly along the foreshore of Kingston Harbour to the line of the parish of Port Royal at Harbour Head; thence, south-easterly along the line of the said parish of Port Royal to the sea-coast; thence, easterly along the sea-coast to the starting point.



## SECOND SCHEDULE.

## URBAN DISTRICT.

*Definition of Boundaries.*

From the south-western corner of the property known as Bumper Hall at the shore of Kingston Harbour, north-easterly along the western boundary line of the said Bumper Hall to the Spanish Town Road; thence south-easterly along the southern boundary of the Spanish Town Road to a point south-west of and opposite to the westernmost corner of Smith's Village; thence, north-easterly across the Spanish Town Road to the corner between Smith's Village and Greenwich Park (known also as Trench Pen); thence, north-easterly, easterly and north-easterly along the boundary line between Smith's Village and Greenwich Park (known also as Trench Pen), to the south-western corner of land formerly known as Hannah's Pen, but now the township known as New Town; thence easterly, southerly, and south-easterly along the southern and western boundary lines of the said land formerly known as Hannah's Pen, but now the township known as New Town, to Blount Street; thence northerly along the western boundary of the said Blount Street to the southern boundary line of Studley Park; thence south-easterly along the southern boundary line of Studley Park to the centre of the Admiral's Pen Gully; thence up the centre of the said Admiral's Pen Gully; to the western boundary of the road at Torrington Bridge; thence south-easterly across the said road to the south-eastern corner of Orange Street and the road leading from Torrington Bridge to the Race Course, thence easterly along the southern boundary of the road leading from Torrington Bridge to the Race Course, to the western boundary of the Race Course; thence north-easterly, easterly, and south-easterly, along the boundary of the said Race Course to a point north-west of and opposite to the north-western corner of Allman Town; thence south-easterly across the East Race Course Road and along the northern boundary line of Allman Town, to the western boundary line of Woodford Park; thence southerly and easterly along the western and southern boundary lines of Woodford Park to South Camp Road; thence easterly, southerly, and easterly along the southern and western boundaries of the road which forms the northern and part of the eastern boundaries of the lands attached to Alpha Cottage, to the junction of Elletson Road and Deanery Road; thence southerly along the western boundary of Elletson Road to the boundary line of the parishes of Kingston and Saint Andrew marked on earth by an old parish boundary pillar; thence north-easterly and south-easterly along the boundary line of the parishes of Kingston and Saint Andrew to the Hope River; thence down the centre of the said Hope River for a distance of twenty-eight chains; thence southerly in a straight line to a point on the shore of Kingston Harbour two chains south-east of the western end of the old military breastwork at Harbour Head; thence along the shore of Kingston Harbour, past Rock Fort, back to the starting point.

## SUB-URBAN DISTRICT.

*Definition of Boundaries.*

From the south-western corner of the property known as Bumper Hall at the shore of Kingston Harbour, north-easterly along the western



boundary line of the said Bumper Hall to the Spanish Town Road; thence south-easterly along the southern boundary of the Spanish Town Road to a point south-west of and opposite to the westernmost corner of Smith's Village; thence north-easterly across the Spanish Town Road to the corner between Smith's Village and Greenwich Park (known also as Trench Pen); thence north-easterly easterly and north-easterly along the boundary line between Smith's Village and Greenwich Park (known also as Trench Pen), to the south-western corner of land formerly known as Hannah's Pen, but now the township known as New Town; thence easterly, southerly, and south-easterly along the southern and western boundary lines of the said land formerly known as Hannah's Pen, but now the township known as New Town, to Blount Street; thence northerly along the western boundary of the said Blount Street to the southern boundary line of Studley Park; thence south-easterly along the southern boundary line of Studley Park to the centre of the Admiral's Pen Gully; thence up the centre of the said Admiral's Pen Gully, to the western boundary of the road at Torrington Bridge; thence south-easterly across the said road to the south-eastern corner of Orange Street and the road leading from Torrington Bridge to the Race Course; thence easterly along the southern boundary of the road leading from Torrington Bridge to the Race Course, to the western boundary of the Race Course; thence north-easterly, easterly, and south-easterly, along the boundary of the said Race Course to a point north-west of and opposite to the north-western corner of Allman Town; thence south-easterly across the East Race Course Road and along the northern boundary line of Allman Town, to the western boundary line of Woodford Park; thence southerly, and easterly along the western and southern boundary lines of Woodford Park to South Camp Road; thence easterly, southerly, and easterly along the southern and western boundaries of the road which forms the northern and part of the eastern boundaries of the lands attached to Alpha Cottage to the junction of Elletson Road and Deanery Road; thence southerly along the western boundary of Elletson Road to the boundary line of the parishes of Kingston and Saint Andrew marked on earth by an old parish boundary pillar; thence north-easterly along the boundary line of the parishes of Kingston and Saint Andrew to the foot of the Long Mountain; thence north-westerly, northerly, easterly and south-easterly along the foot of the Long Mountain to the Hope River; thence up the centre of the Hope River to a point east of the point where the conduit from the Hope River Dam crosses the main road to Gordon Town; thence north-westerly northerly and westerly along the foot of the hills through Hope, White Hall, Barbican, Cherry Garden and Constant Spring to the main road leading from Halfway Tree to Stony Hill; thence south-westerly, southerly and westerly along the foot of the hills through Constant Spring, Swallowfield, Chancery Hall, Tunbridge, Maverley and Waterhouse to the head of the Salt River at Mount Patience; thence down the centre of the Salt River to Hunt's Bay; thence south-easterly along the seashore back to the starting point.

#### RURAL DISTRICT.

##### *Definition of Boundaries.*

From the confluence of the Salt River with the present course of the Ferry or Fresh River up the centre of the Ferry or Fresh River to its confluence with a gully running from the north and being about three



chains south-east of the corner between Parks Prospect and Claremont; thence northerly in a straight line to a point at Parks Prospect eight and one-half chains west of the south-west corner of Rock Castle; thence north-easterly in a straight line to the confluence of the Stony River and a spring about eight chains north of the boundary line between Rock Hall and Mount Recovery; thence down the centre of the Stony River to the north-east corner of Mount Recovery; thence northerly in a straight line to the confluence of two springs or gullies near the source of the Crooked Spring; thence down the centre of the Crooked Spring to its confluence with the Stony River; thence down the centre of the Stony River to its confluence with the New River; thence down the centre of the New River to its confluence with the Cassava River; thence up the centre of the Cassava River to its confluence with a spring that forms the boundary line between the two portions of the property known as Cassava River which were assigned to George Wilson and to John Powell Rainford, respectively; thence up the centre of the said spring to a point four chains west of the northern portion of the boundary line between Cassava River property and Langton Hill; thence northerly in a straight line to the point where the main road from Mount Charles to Platfield crosses the main ridge; thence easterly along the top of the said main ridge to the south-west corner of New Ramble; thence easterly and south-easterly along the boundary line between New Ramble and Mount Friendship to a spring forming the boundary between New Ramble and Buckshale Hill; thence down the centre of the said spring to its confluence with the Little Tom's River; thence down the centre of the Little Tom's River to its confluence with the Wag Water River; thence down the centre of the Wag Water River to its confluence with the Georges Spring; thence up the centre of the Georges Spring to its source and continuing easterly to the top of the main ridge at Prospect Hill; thence along the top of the Grand Ridge, past Fox's Gap, Hardware Gap, Catherine's Peak, Silver Hill Peak, and Sir John's Peak, to a point south-east of Sir John's Peak at the source of the Green River; thence down the centre of the said Green River to its confluence with the Yallahs River; thence down the centre of the Yallahs River to its confluence with the Shooting River; thence up the centre of the Shooting River to the point where it is crossed by the parochial road from Halberstadt to Galloway; thence southerly in a straight line to a point in the centre of the Bull Bay River nine chains south-east of Halberstadt Old Works; thence down the centre of the Bull Bay River to the sea; thence westerly along the sea coast to the corner between Harbour Head Pen and the Palisadoes; thence north-westerly along the boundary line between Harbour Head Pen and the Palisadoes to the shore of Kingston Harbour; thence northerly and north-westerly along the shore of Kingston Harbour to the boundary line between the parishes of Kingston and Saint Andrew at a point two chains south-east of the western end of the old military breastwork at Harbour Head; thence northerly in a straight line along the boundary line between the parishes of Kingston and Saint Andrew to a point in the centre of the Hope River; thence up the centre of the said Hope River for a distance of twenty-eight chains; thence continuing north-westerly and south-westerly along the boundary line of the parishes of Kingston and Saint Andrew to the foot of the western slopes of the Long Mountain; thence north-westerly, northerly, easterly and south easterly along the foot of the Long Mountain to the Hope River; thence up the centre of the Hope River to a point east of the point where the conduit from the Hope River Dam crosses the main road to Gordon Town; thence north-westerly, northerly and westerly along the foot of

the hills through Hope, White Hall, Barbican, Cherry Garden and Constant Spring to the main road leading from Halfway Tree to Stony Hill; thence south-westerly, southerly and westerly along the foot of the hills through Constant Spring, Swallowfield, Chancery Hall, Tunbridge, Maverley and Waterhouse to the head of the Salt River at Mount Patience; thence down the centre of the Salt River back to the starting point.

### THIRD SCHEDULE.

DECLARATION TO BE MADE BY MAYOR, DEPUTY MAYOR, ALDERMEN  
OR COUNCILLOR.

I (name in full) .....  
having been elected (Mayor, Deputy Mayor, Alderman or Councillor)  
for the Kingston and St. Andrew Corporation, do hereby declare that  
I take the said office upon myself and I declare that I am qualified within  
the provisions of this Law to be elected and be an Elected Councillor,  
being  
(here state specific qualification,)

and that I am not disqualified within the provisions of this Law from  
being elected to or holding the said office.

### FOURTH SCHEDULE.

LIST OF VOTERS OF THE KINGSTON AND ST. ANDREW CORPORATION  
FOR THE YEAR COMMENCING

.....District.

Christian Name  
and Surname.

Qualification of Voters.

James F. Brown  
George Robinson  
Edw. Thompson

### FIFTH SCHEDULE.

FORM "A."

*Notice of Claim.*

To the Collector-General or Collector of Taxes or Town Clerk of the  
Kingston and St. Andrew Corporation.



I HEREBY GIVE YOU NOTICE that I claim to have my name and/or qualification (as the case may be) entered in the Voters List of the Kingston and St. Andrew Corporation for.....

.....District and

that I am qualified as follows:

(Here set out the nature of the qualification as fully as possible.)

### FORM "B."

#### NOTICE OF OBJECTION.

To the Collector-General or Town Clerk of the Kingston and St Andrew Corporation:

I HEREBY GIVE YOU NOTICE that I object to the name of .....

.....Street and to the qualification registered

against his name being retained on the Voters list of the Kingston and

St. Andrew Corporation for the year commencing on the

day of 19

Dated this day of 19

Signature of Objector.....

No. and situation of  
property in respect  
of .....

Which Objector is  
qualified as a Voter  
or other qualifi-  
cation .....

### FORM "C."

#### LIST OF CLAIMANTS.

The following persons claim to have their names inserted in the list of Voters of the Kingston and St. Andrew Corporation for the year commencing on the day of 19

Christian name and Sur-  
name of Claimant.

Nature of Qualification.

J. T.

L. F.

FORM "D."

LIST OF RESPONDENTS.

The following persons have been objected to as not being entitled to have their names retained on the list of Voters of the Kingston and St. Andrew Corporation.

Christian Name and Sur- name of persons objected to	Qualification in respect of which he is entered in the Voters List for the year.
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SIXTH SCHEDULE.

REPEALS.

No. of Law.	Short Title.	Extent of Repeal.
29 of 1873	A Law to appropriate certain taxes and duties to Parochial Road purposes and to consolidate the Law about such roads.	So much of the Law as in relation to the parish of Kingston and/or the parish of St. Andrew, provides that the license duty on horsekind, asses and wheels shall be placed by the Treasurer to the credit of an account to be called the Parochial Road Fund, and shall be paid for such local parish road purposes as the parish road Commissioner of that parish shall from time to time direct.
9 of 1874	A Law to make provision for the erection and regulation of markets throughout the Island.	So much of the Law as refers to the parish of St. Andrew.
10 of 1874	A Law to make further provision in aid of the Kingston Markets Law, 1869, and to amend Law 15 of 1872.	So much of the provisions of this Law with regard to markets as relate to the parish of Kingston, and as extended by Law 18 of 1893 as relate to the parish of St. Andrew.
11 of 1878	A Law to amend Law 29 of 1873 as to the Parochial Road Fund Accounts.	So much of the Law as in relation to the parish of Kingston and/or the parish of St. Andrew, provides that the license duty on horsekind, asses



No. of Law.	Short Title.	Extent of Repeal.
11 of 1878	A Law to amend Law 29 of 1873 as to the Parochial Road Fund Accounts, <i>contd.</i>	and wheels shall be placed by the Treasurer to the credit of an account to be called the Parochial Road Fund, and shall be paid for such local parish purposes as the Parish Road Commissioner shall from time to time direct.
19 of 1888	The Parochial Accounts Law, 1888.	So much of the Law as relates to the auditing of accounts by the Parochial Boards and Parochial offices, and accounts generally of the Parochial Board of the parish of St. Andrew and the Mayor and Council of Kingston.
31 of 1890	The Kingston Improvements Law.	So much of Section 47 of the Law as provides that the several duties therein mentioned shall be carried by the Treasurer to the credit of the Parochial Road Fund Account of the parish of Kingston, and shall be paid for such parochial road purposes as the Mayor and Council shall from time to time direct.
19 of 1892	A Law in aid of the Parochial surplus funds.	So much of the Law as provides in relation to the parish of Kingston and the parish of St. Andrew, that the license fees imposed for or in respect of licenses under the Laws mentioned in the first section thereof, shall be carried to the credit of the surplus fund of each parish.
20 of 1894	The Public Cemetery and Management and Regulation Law, 1894.	So much of the Law as relates to any public cemetery in the parish of St. Andrew.
24 of 1897	The Kingston General Commissioners Law, 1897.	Sections 2 and 3.

No. of Law.	Short Title.	Extent of Repeal.
34 of 1900	The Parochial Finance Law, 1900.	So much of the Law as refers to the Parochial Board of the parish of St. Andrew and/or the Mayor and Council of Kingston.
17 of 1901	The Parochial Boards Law Consolidation Law, 1901.	So much of the Law as relates to the Parochial Board of the parish of St. Andrew and the Mayor and Council of Kingston, and to the election of members to serve on the Parochial Board of the parish of St. Andrew, and the Mayor and Council of Kingston and to the qualifications and disqualifications of members to serve on the Parochial Board of the parish of St. Andrew and the Mayor and Council of Kingston.
52 of 1908	The Registration of Voters Law, 1908.	So much of the Law as relates to the registration and qualifications of voters and the making of a register of persons entitled to vote at the election of members of the Mayor and Council of Kingston and of the Parochial Board of the parish of St. Andrew.
28 of 1909	The Registration of Voters Law, 1908, Amendment Law, 1909.	So much of the Law as relates to the registration and qualifications of voters, and the making of a register of persons entitled to vote at the election of members of the Mayor and Council of Kingston and of the Parochial Board of the parish of St. Andrew.
22 of 1919	The Registration of Voters Law, 1908, Further Amendment Law, 1919.	So much of the Law as relates to the registration of female persons as voters for the parishes of Kingston and St. Andrew



<u>No. of Law.</u>	<u>Short Title.</u>	<u>Extent of Repeal.</u>
3 of 1923	The Kingston and St. Andrew Corporation Law, 1923	The whole Law.
36 of 1923	The Corporate area of Kingston and St. Andrew Improvement Law, 1923.	The whole Law.
38 of 1923	The Kingston and St. Andrew Corporation Amendment Law, 1923	The whole Law.
1 of 1924	The Kingston and St. Andrew Corporation Law, 1924.	The whole Law.
15 of 1924	The Kingston and St. Andrew Corporation Law Amendment Law, 1924.	The whole Law.
14 of 1926	The Corporate area of Kingston and St. Andrew Improvement Amendment Law, 1926.	The whole Law.
31 of 1927	The Kingston and Saint Andrew Corporation Amendment Law, 1927.	The whole Law.
28 of 1929	The Kingston and St. Andrew Corporation, Further Amendment Law, 1929.	The whole Law.

## SEVENTH SCHEDULE.

## AMENDMENTS.

<u>No. of Law.</u>	<u>Short Title.</u>	<u>Extent of Amendment</u>
9 of 1873	A Law to appropriate certain Taxes and duties to Parochial Road purposes and to consolidate the Law about such Roads.	All references in this Law, or in any Law amending the same or to be read and construed therewith to the Parochial Road Commissioners shall, in the cases of the parishes of Kingston and St. Andrew, be deemed to refer to the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and St. Andrew Corporation Law 1931.

No. of Law.	Short Title.	Extent of Amendment.
6 of 1886	A Law for the relief of the Poor, 1886.	All references in this Law, and in any Law amending the same, to the Parochial Boards shall, in the cases of the parishes of Kingston and St. Andrew, be deemed to refer to and to mean the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and Saint Andrew Corporation Law, 1931.
20 of 1886	The Parochial Road Law, Amendment Law, 1886.	All references in this Law or in any Law amending the same or to be read and construed therewith to the Parochial Board of every parish or the Parochial Board shall, in the case of the parish of St. Andrew be deemed to refer to and to mean the Council of the Kingston and St. Andrew Corporation appointed under the provisions of the Kingston and St. Andrew Corporation Law, 1931.
23 of 1887	The Enquiry into cases of Fire and Accidents Law, 1887.	In Section 1, add to the second paragraph thereof, after the word "Chairman," the following words: "and in the cases of the parishes of Kingston and St. Andrew shall mean and include the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931."
12 of 1888	The Parochial Roads Law, 1873, Amendment Law, 1888.	For Section 15, the following section is hereby substituted: "The term Superintendent of Parochial Roads and Works, in this or any other Law, shall include the officer appointed by the Council of the Kingston and St. Andrew Corporation ap-



No. of Law.	Short Title.	Extent of Amendment.
12 of 1888	The Parochial Roads Law, 1873, Amendment Law, 1888, <i>contd.</i>	pointed and constituted under the Kingston and St. Andrew Corporation Law, 1931, to discharge or charged with the performance of the duties of such officer" and all references in that Law and in any other Law to the Superintendent of Parochial Roads and Works shall be deemed to refer to and to mean in relation to the parishes of Kingston and St. Andrew the officer appointed by the Council of the Kingston and St. Andrew Corporation, as the case may be, to discharge or charged with the performance of the duties of such officer.
32 of 1890	The Electric Lighting Law, 1890	In Section 30, add at the fourth paragraph thereof, after the word "obtained," "and in the cases of the parishes of Kingston and St. Andrew the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931."
10 of 1893	The Telephone Law, 1893	In Section 1, add at the end thereof after the words "is situated" the following words: "and in the cases of the parishes of Kingston and St. Andrew the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and St. Andrew Corporation Law, 1931."

No. of Law.	Short Title.	Extent of Amendment.
18 of 1893	A Law in aid of the General Markets Law, 1874.	All references in this Law to any Parochial Board shall, in relation to the parishes of Kingston and St. Andrew, be deemed to refer to and to mean the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931.
27 of 1895	The Tramways Law, 1895	In Section 1 add to the second and seventh paragraphs thereof respectively, the words "or in the cases of the parishes of Kingston and St. Andrew, the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931." To Section 5, add the following paragraph: "The duplicate copies of the maps and plans above referred to shall in the case of the parish of St. Andrew, be lodged with the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and St. Andrew Corporation Law, 1931."
9 of 1896	The Prevention of Cruelty to Children Law, 1896.	In Section 3 (4) after the word "Boards" in the first line insert the following words "or in the cases of the parishes of Kingston and St. Andrew the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931."



No. of Law.	Short Title.	Extent of Amendment.
9 of 1896	The Prevention of Cruelty to Children Law, 1896, <i>contd.</i>	In Section 16, after the word "parish" in the first line, insert the following words: "or in the cases of the parishes of Kingston and St. Andrew, the Council of the Kingston and St. Andrew Corporation appointed under the provisions of the Kingston and St. Andrew Corporation Law, 1931."
19 of 1897	The Pound Law, 1897.	All references in this Law to Parochial Boards shall, in the cases of the parishes of Kingston and St. Andrew be deemed to refer to and to mean the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931.
28 of 1897	The Kingston Improvements Law.	In section 55 (1) strike out the words: "or the Secretary" where the same occur. In Section 57, strike out the words "or the Secretary of the Commissioners" where the same occur.
10 of 1898	A Law to amend a Law for laying a Tax on Dogs.	All references in this Law to the Parochial Board of any parish shall, in the cases of the parishes of Kingston and Saint Andrew, be deemed to refer to and to mean the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and St. Andrew Corporation Law 1931.
17 of 1901	The Parochial Boards Law Consolidation Law, 1901.	In the first paragraph of Section 3, strike out the words "and includes the Mayor and Council of Kingston" and substitute therefor the words "except the parishes of King-

No. of Law.	Short Title.	Extent of Amendment.
17 of 1901	The Parochial Boards Law Consolidation Law, 1901, <i>contd.</i>	<p>ston and Saint Andrew;" and in the second paragraph strike out the words "and includes the Mayor of Kingston."</p> <p>In the first line of Section 7, after the words "every parish" insert the words "except the parishes of Kingston and St. Andrew."</p> <p>In the proviso to Section 7, strike out the words "to the parish of Kingston or," in the first and second lines thereof, and strike out the word "parishes" in the third line thereof, and substitute therefor the word "parish."</p> <p>In Section 10, strike out all the words appearing in the last five lines thereof from the word "provided" to the word "Council."</p>
15 of 1903	The Property Tax Law, 1903.	<p>All references in this Law, or in any Laws amending the same or to be read and construed therewith, to "a parish" "or the parish" shall, so far as they relate to the parish of Kingston and or to the parish of St. Andrew, be deemed to refer to and to mean the corporate area defined in the Kingston and St. Andrew Corporation Law, 1931.</p>
20 of 1903	The Parochial Loans Law, 1903	<p>In Section 1, strike out the words "includes the Mayor and Council of Kingston," and substitute therefor the words "the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931."</p>



No. of Law.	Short Title.	Extent of Amendment.
24 of 1907	The Kingston Building Law, 1883, Amendment Law, 1907.	<p>In Section 1 (2) (a), strike out the words "The Mayor and Council of Kingston" and substitute therefor the words "the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931."</p> <p>In Section 20, strike out the words "The Mayor and Council of Kingston" and substitute the words "the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931."</p>
7 of 1908	A Law to amend and consolidate the Laws imposing licenses upon trade and business.	<p>To Section 20, add the following proviso: "Provided that in the case of any question arising under this section in the parishes of Kingston or St. Andrew, any such question shall be submitted to the Council of the Kingston and St. Andrew Corporation, appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931."</p>
28 of 1908	The Parochial Boards Building Law, 1908.	<p>At the end of Section 1 add the following proviso: "Provided that with regard to the parishes of Kingston and St. Andrew it shall be competent for such By-Laws to be made by the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and St. Andrew Corporation Law, 1931."</p>

No. of Law.	Short Title.	Extent of Amendment.
55 of 1908	A Law to authorise the closing of the lower part of Johns Lane	In Section 1, strike out the following words: "the Mayor and Council of Kingston" and substitute therefor "the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931."
10 of 1909	The Public Tanks Law, 1909.	At the end of Section 1, add the following proviso "Provided that with regard to the parishes of Kingston and St. Andrew this authority may be exercised by the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931."
7 of 1910	The Kingston Goat Law, 1910.	In Section 3 strike out the words "the Mayor and Council of Kingston" and substitute therefor the words "the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Law, 1931."
16 of 1928	The Abandoned Cemeteries (Kingston and St. Andrew Corporate Area) Law, 1928.	All references in this Law to the Kingston and St. Andrew Corporation created by Law 3 of 1923, shall be deemed to refer to the Council of the Kingston and St. Andrew Corporation created by the Kingston and St. Andrew Corporation Law, 1931. All references in this Law to the corporate area as defined by the Kingston and St. Andrew Corporation Law, 1923 (Law 3 of 1923) shall be deemed to



No. of Law.	Short Title.	Extent of Amendment.
16 of 1928	The Abandoned Cemeteries (Kingston and St. Andrew Corporate Area) Law, 1928, <i>contd.</i>	refer to the corporate area as defined by the Kingston and St. Andrew Corporation Law, 1931.
17 of 1928	The Kingston Public Garden Amendment Law, 1928.	All references in this Law to the Kingston and St. Andrew Corporation shall be deemed to refer to the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and St. Andrew Corporation Law, 1931.
19 of 1928	The Kingston and St. Andrew Building Law, 1928.	In Section 2 delete the words and figures "wards defined and described in the second schedule to the Kingston and St. Andrew Corporation Law 1923 (Law 3 of 1923)" and substitute the words and figures "districts defined and described in the second schedule to the Kingston and St. Andrew Corporation Law, 1931."
		In (b) of Section 3 delete the words and figures "wards as defined and described in the second schedule to the Kingston and St. Andrew Corporation Law (Law 3 of 1923)" and substitute the words and figures "districts as defined and described in the second schedule to the Kingston and St. Andrew Corporation Law, 1931."
		Delete the word "Wards" in the last line of (b) of Section 3 and substitute the word "districts."
29 of 1928	The Kingston and St. Andrew Water Supply (Iron, Plantain and Ginger Rivers) Law, 1928.	All references in this Law to the Kingston and St. Andrew Corporation shall be deemed to refer to the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and St. Andrew Corporation Law, 1931.

JAMAICA.

No. 13-----1931.

I assent,

[L.S.]

R. E. STUBBS,  
*Governor.*

20th June, 1931.

The Sugar Industry Aid Law, 1931.

[25th June, 1931.]

WHEREAS it is desirable to afford temporary assistance and encouragement to the Sugar Industry:

Preamble.

Be it enacted by the Governor and the Legislative Council of Jamaica:—

1—From and after the passing of this Law not less than eighty per cent. of the sugar manufactured in this Island by vacuum pan process for the crop year 1930-31 shall be exported or sold for export and no part of such eighty per cent. shall be allowed to be available for local consumption in any form whatsoever and whether raw or refined and at least twenty per cent. of the sugar manufactured in this Island as aforesaid for the crop year 1930-31 shall be retained and made available for local consumption in this Island.

Sugar for export  
and for local  
consumption.



Provided that the Governor in Privy Council may by order permit a smaller proportion than eighty per cent of the said crop to be exported and a larger proportion than twenty per cent. thereof to be retained and made available for local consumption in this Island.

Sugar Control  
Board. Its pow-  
ers and duties.

2—(1) It shall be lawful for the Governor to appoint a Board to be called "The Sugar Control Board" to carry out the provisions of this Law and from time to time to define the composition, powers and duties of the Board and from time to time to appoint a Chairman of the Board and fix his term of office.

In addition to any express powers and duties of the Board that may be defined as aforesaid it shall be lawful for the Sugar Control Board:—

(a) To demand from time to time from any sugar manufacturer returns of all wages and labour bills paid by him with such particulars thereof as the Board may require.

(b) To fix and determine the grading of the several qualities of sugar for local consumption.

(c) To demand from time to time from any sugar manufacturer and from any wholesale or retail dealer of sugar locally manufactured or imported into Jamaica a return of all stocks of sugar held or controlled by such manufacturer or dealer. The correctness of all returns under this Law shall be certified by a declaration made before a Justice of the Peace under the provisions of the Act 6 Victoria Chapter 24 by the manufacturer or dealer making the return.

(d) To summon to a meeting of the Board any such sugar manufacturer and any such wholesale or retail dealer and to question him for the purpose of obtaining information relative to any such stocks of sugar. Such summons shall be issued by the Secretary of the Board on the order of the Chairman or Vice-Chairman and shall give at least two days clear notice to the person summoned of the time and place of the Board's meeting.

(e) To demand and obtain from the Collector General or any officer of Customs such information either written or verbal as the Board may from time to time deem necessary to enable it to exercise its powers or perform its duties under the said Law.

(f) To order from time to time inspection of stocks of sugar held by any retail dealer, by any officer of Customs or any officer or sub-officer of the Constabulary and to obtain from any such officer or sub-officer reports of the result of such inspections.

(g) To grant licenses for the import of sugar into the Island.

(h) To prescribe forms of licenses, reports and of any other documents.

(i) To obtain expert advice as to the grading of the several qualities of sugar and to determine such grades for the purpose of the fixing of the maximum prices of the same and for such purposes to obtain any samples as the Board may from time to time deem necessary.

(j) To demand and obtain from all persons concerned in the sale of and all purchasers of sugar damaged by water, fire or any act of God or the King's enemies, full particulars of such sales and of the purchase price of such sugar.

(k) To appoint a Vice-Chairman from among the members of the Board.

(l) From time to time to advise the Governor as to the maximum retail prices which it is advisable for him to fix for the various grades of sugar in Jamaica.

(m) From time to time to obtain quotations of prices of sugar at Halifax.

(n) To perform such duties and exercise such powers as may from time to time be assigned to it or conferred on it by the Governor in Privy Council for fully carrying into effect the provisions of this Law.

(2) The Governor in Privy Council may also make regulations from time to time placing under the control of the Sugar Manufacturers' Board (hereinafter mentioned)



subject to the rights powers and duties of the Sugar Control Board all sales for local consumption of all vacuum pan and refined sugar of the crop year 1931-32.

License necessary for importation.

3—(1) It shall not be lawful to import sugar into the Island except under a license first obtained for the purpose from the Sugar Control Board.

Penalty on contravention.

(2) Every person who is concerned in importing any sugar contrary to the provisions of this Law shall on conviction be liable to a penalty of one hundred pounds and in default of payment of the penalty imposed to imprisonment with or without hard labour for three months.

Forfeiture on contravention.

(3) Any sugar imported contrary to the provisions of this Section may be seized as though it were prohibited goods within the meaning of Section 37 of the Customs Consolidation Law, 1877, and shall be forfeited and may be disposed of as the Governor may direct.

Onus of proof in proceedings for forfeiture.

(4) In proceedings for the forfeiture of any sugar under Sub-section (3) of Section 3 of this Law the onus of proof shall be upon the person claiming the sugar and it shall not be necessary for the person prosecuting the suit to prove that the sugar is liable to seizure or forfeiture.

Powers of Customs Officers.

(5) The officers of Customs, and any person acting with their concurrence, may stop any ship or boat, which they have reason to suspect has on board any sugar, of which the importation is prohibited under this Law, and may detain such ship or boat until search has been made and such sugar, if found, has been seized and removed under this Law.

Governor may direct no suit or stop any suit or return goods or fine.

(6) The Governor may direct, in any particular case, that no suit for forfeiture or other proceedings under this Law shall be commenced, or if any such suit or proceedings have been commenced, may cause the same to be stopped by directing the Attorney-General to enter a nolle prosequi, or to take such other step as may be necessary to stop such suit or proceedings. The Governor may, if he thinks fit, after the condemnation of any sugar, or payment of any fine under this Law, return the whole or any portion

of such sugar or fine to the owner thereof, or the person paying the fine.

(7) It shall be lawful for the Governor by order to be published in the Gazette to fix the maximum retail prices for the various grades of sugar in Jamaica during the crop years 1930-31 and 1931-32 and also by like order to vary such maximum prices and/or to revoke any such order previously made.

Fixing of maximum retail price by Governor.

(8) Any person selling sugar in excess of such maximum price so fixed as aforesaid shall on conviction be liable to a penalty of five pounds for any such offence and in default of payment of the penalty imposed to imprisonment with or without hard labour for one month.

Penalty for selling in excess of fixed maximum retail price.

4—It shall be lawful for the Governor to appropriate out of the revenues of this Island for the financial year 1931-32 the sum of sixty thousand pounds to be utilised under the provisions and for the purposes of this Law.

Appropriations out of general revenue.

5—It shall be lawful for the Island Treasurer upon the order of the Governor to pay out of the public funds of this Island to each sugar manufacturer in the Island his proper proportion (as hereinafter defined) of the said sum of sixty thousand pounds. The proper proportion payable as aforesaid to each sugar manufacturer shall be the ratio which eight-tenths of his total 1930-31 crop (other than muscovado or wet sugar) bears to the total exports and/or sale for export of all sugar (other than muscovado or wet sugar) manufactured in the Island during the 1930-31 crop so that however no sugar manufacturer shall be entitled to any payment as aforesaid in respect of any sugar sold for export by him unless at the date of such sale for export the netting price of 96 degrees Refining Crystals if sold on that date to Halifax was or would be below £14 per ton f.o.b. Jamaica Provided that the Governor may order an advance of 20/- per ton to be made against such proper proportion at or after the time of export in each case and whether such export shall have been made prior to or after the passing of this Law and provided further

Payments by Treasurer on 1930-31 sugar crop.



that a sugar manufacturer shall not be entitled to payment under this Clause unless prior to or within sixty days after the passing of this Law or within such extended period as the Governor may permit such sugar manufacturer shall have joined in and accepted or assented to a common Agreement making provision for a Sugar Manufacturers' Board (a duplicate of which common Agreement signed by the Barnett Estates and other sugar manufacturers has been deposited with the Colonial Secretary for Jamaica) and shall carry out and fulfil the said common Agreement and shall receive from the Sugar Control Board and present to the Island Treasurer the appropriate certificate according to the requisite form of Certificates set out in the First Schedule and in the Second Schedule to this Law: Provided that if the 1931-32 crop of any sugar manufacturer who has received his said proper proportion of the sum of sixty thousand pounds or any part thereof shall not be fully reaped such sugar manufacturer shall upon being required by the Governor so to do refund to the Island Treasurer such moneys so received by him as aforesaid together with interest thereon at the rate of six per cent. per annum from the date of each payment to him until repayment of the same by him to the Island Treasurer and the Island Treasurer shall be entitled to sue for and recover such moneys.

Calculation of netting value of sugar between sugar manufacturers and cane farmers.

6—In calculating the netting value of sugar for settling between sugar manufacturers and cane farmers the sums paid by the Treasurer under Section 5 of this Law shall be regarded and treated as part of the price realised for the sugar.

Local sugar and the Sugar Manufacturers' Board.

7—(1) No person who has or shall become a party to the Agreement mentioned in Section 5 of this Law shall make available or cause to be made available for local consumption any vacuum pan or refined sugar of the 1930-31 crop or (if the Governor shall make regulations in that behalf) of the 1931-32 crop except through the said Sugar Manufacturers' Board sub-

ject always to the rights powers and duties of the Sugar Control Board.

(2) Any person who shall make any sugar available for local consumption or cause same to be made available for local consumption contrary to the provisions of this Law shall on conviction be liable to a fixed penalty of ten pounds per ton or part of a ton of such sugar and in default of payment of the penalty imposed, to imprisonment with or without hard labour for three months; and any person failing or refusing to make any return or omitting to do any act that may be required under this Law by the Sugar Control Board or doing any act in contravention of the requirements of the Sugar Control Board shall on conviction be liable to a penalty of ten pounds for each offence and in default of payment of the penalty imposed to imprisonment with or without hard labour for three months.

Penalty for selling sugar locally or failing to make returns, etc., contrary to provisions of Law.

(3) This section shall not apply to muscovado or wet sugar.

8—The provisions of Section 7 of this Law shall not apply to any sale locally of sugar the exportation of which is bona fide prevented by damage from water, fire or any act of God or the King's enemies.

Damaged sugar may be sold locally.

9—Every offence under this Law shall be tried summarily before a Resident Magistrate or two or more Justices of the Peace sitting in Petty Sessions and the offence shall be deemed to have been committed in the parish in which the offender resides.

Trial of offences.

10—Law 26 of 1929, entitled the Sugar Industry Aid Law, 1929, is hereby repealed.

Repeal of Law 26 of 1929.

11—This Law may be cited as the Sugar Industry Aid Law 1931.

Short Title.



## THE FIRST SCHEDULE.

The Sugar Control Board appointed under a Law entitled The Sugar Industry Aid Law, 1931 (Law No. \_\_\_\_\_ of 1931) hereby certifies that A.B. has:—

(1) produced to this Board a certificate from the Sugar Manufacturers' Board referred to in Section 5 of a Law entitled The Sugar Industry Aid Law, 1931 (Law \_\_\_\_\_ of 1931) stating that he has joined in the Agreement referred to in the said section and has complied with the terms and conditions of the said Agreement up to the date of the said certificate of the Sugar Manufacturers' Board and has undertaken to reap his 1931-32 crop; and has produced a consent in writing to that effect from his mortgagee.

(2) exported on S.S. \_\_\_\_\_ tons of sugar manufactured on \_\_\_\_\_ Estate delete when not required

(which has been substituted for and now represents a like quantity of his 1930-31 crop manufactured on \_\_\_\_\_ Estate) and is

(3) entitled to receive an advance of 20/- per ton on \_\_\_\_\_ tons of sugar under the provisions of Section 5 of a Law entitled The Sugar Industry Aid Law, 1931 (Law \_\_\_\_\_ of 1931).

(4) the said sugar was sold for export on the \_\_\_\_\_ day of \_\_\_\_\_ and on that date the netting price 96° Refining Crystals if sold to Halifax would be below £14 per ton f.o.b. Jamaica.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

## THE SECOND SCHEDULE.

The Sugar Control Board appointed under a Law entitled The Sugar Industry Aid Law, 1931 (Law No. \_\_\_\_\_ of 1931) hereby certifies that A.B. has:—

(1) produced to this Board a consent in writing from the Sugar Manufacturers' Board referred to in Section 5 of a Law entitled The Sugar Industry Aid Law, 1931 (Law \_\_\_\_\_ of 1931) stating that he has joined in the Agreement referred to in the said section and has complied with the terms and conditions of the said Agreement up to the date of the said certificate of the Sugar Manufacturers' Board and has undertaken to reap his 1931-32 crop and has produced a certificate to that effect from his mortgagee.

(2) exported \_\_\_\_\_ tons of sugar representing eighty per cent. of his 1930-31 crop; and is

(3) entitled to receive £ \_\_\_\_\_ per ton on \_\_\_\_\_ tons of sugar under the provisions of Section 5 of a Law entitled The Sugar Industry Aid Law, 1931 (Law \_\_\_\_\_ of 1931) less the sum of 20/- per ton already advanced to him.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

No. 14----1931,

I assent,

[L.S.]

R. E. STUBBS,  
*Governor.*

20th June, 1931.

A LAW to Amend the Parochial Boards Laws Consolidation  
Law, 1901 (Law 17 of 1901).

[25th June, 1931.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—This Law shall be read and construed as one with  
the Parochial Boards Laws Consolidation Law, 1901  
(Law 17 of 1901) hereinafter referred to as the principal  
Law.

Read and con-  
strued with Law  
17 of 1901.

2—Section 38 of the principal Law is hereby repealed  
and the following section substituted therefor:—

Repeal of Sec-  
tion 38 of princi-  
pal Law and sub-  
stitution of new  
section.

“38—(1) Any surplus lands vested in the Colonial  
Secretary and so declared to be under this Law, and  
any lands which shall cease to be needed or used for



the purposes of this Law may, with the sanction of the Governor, be sold by the Parochial Board or leased by them upon such terms and conditions and subject to such covenants, obligations and agreements as the Governor may in each case determine. Any land so sold shall be conveyed by the Colonial Secretary to such person and in such manner as the Parochial Board may direct. Such land so conveyed shall be thereupon discharged from any trust created by this Law and the purchase money shall be paid into the Treasury and shall be applied and accounted for in the same way as other moneys accruing to or belonging to the Parochial Board. Any lease of any lands made under the provisions of this section shall be subject to any trust and obligations affecting the same. Provided that nothing herein contained shall empower any Parochial Board to sell or lease a street or road over which there is a public right of way."

**Proviso.**

**Validating previous leases.**

3—Any lease of any lands made by Parochial Boards under section 38 of the principal Law, which section is repealed by this Law, shall be deemed and is hereby declared to have been validly made anything in the said Law to the contrary notwithstanding.

**Short Title.**

4—This Law may be cited as the Parochial Boards Consolidation Amendment Law, 1931.

JAMAICA.

No. 15---1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

20th June, 1931.

A LAW to extend the provisions of the Customs (Importation Prohibition) Law, 1916 (Law 23 of 1916) to the Dependency of the Turks and Caicos Islands.

[25th June, 1931.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—The Customs (Importation Prohibition) Law, 1916 (Law 23 of 1916) is hereby extended to the Turks and Caicos Islands, subject, however, to the provisions of this Law.

Extension of  
Law 23 of 1916  
to the Turks and  
Caicos Islands.

2—In the application of the said Law to the Turks and Caicos Islands such Law shall be read and construed with the amendments and substitutions set out in the schedule to this Law.

Construction  
of Law.

3—This Law may be cited as the Customs Importation Prohibition (extension to Turks and Caicos Islands) Law, 1931.

Short Title.



## SCHEDULE.

Terms used in Jamaica Law.		Substitutions.
Customs Consolidation Law, 1877 (Law 18 of 1877).	—	Customs Ordinance 1899 (Ordinance 8 of 1899).
Law.	..	Ordinance.
Jamaica Gazette.	..	Gazette.
Attorney-General.	..	Crown Prosecutor.
This Island.	..	These Islands.
Section thirty-seven	..	Section fifty.

No. 16---1931.

I assent,

[L.S.]

R. E. STUBBS,  
*Governor.*

20th June, 1931.

A LAW in relation to the erection and extension of the  
Pier or Jetty on the Leyland Wharf, Kingston.

[The day of the date of any Proclamation notifying that  
His Majesty will not exercise his powers of disallowance.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—In this Law unless the context otherwise requires, <sup>Interpretation.</sup>  
the term “The Jetty or Pier” means and includes the  
Jetty or Pier (including any extensions, alterations and  
additions to the same) now erected and to be erected or  
made at the foreshore of the Leyland Wharf in the city and  
parish of Kingston and the wharf premises used in connec-  
tion with the same from time to time.

“The Company” means and includes Leyland Wharves,  
Limited and other the owners lessees and persons in  
lawful possession from time to time of the Jetty or Pier.

2—It shall be lawful for the Company to extend into the  
Harbour of Kingston the existing Jetty or Pier now  
erected at the foreshore of the Leyland Wharf to a further  
length of 150 feet or thereabouts (additional to its existing  
<sup>Power to erect,  
extend and  
maintain Pier.</sup>



length of 428 feet or thereabouts) with a width of 53 feet or thereabouts and thereafter to maintain, control and use the said Jetty and Pier and the said extension thereof.

**Additions and alterations.**

3—It shall be lawful for the Company from time to time hereafter to erect and make any additions and alterations to the said Jetty and Pier and the extension aforesaid and thereafter to maintain, control and use the same with such additions and alterations, provided that before any such additions and alterations are erected or made pursuant to this section the plans thereof shall be submitted to and approved by the Governor in Privy Council.

**Other rights how affected.**

4—The erection, maintenance, control or user of the said Jetty or Pier and of the said extension and of the additions and alterations if any made pursuant to Section 3 hereof shall not for any purpose be held or deemed to be an interference with any general public right of navigation or fishing or an obstruction in the said Harbour.

**Preservation of rights.**

5—Nothing in this Law contained shall be deemed to prejudice or affect any legal rights and privileges of the Company existing at the date of the passing of this Law.

**Saving for prerogative.**

6—Nothing in this Law shall prejudice or affect the right of His Majesty the King, His Heirs and Successors or of any body politic or corporate or of any other person or persons except such as are mentioned in this Law and those claiming by, from, through or under them.

**Coming into operation.**

7—This Law shall not come into operation unless and until the Governor notifies by Proclamation to be published in the Jamaica Gazette that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation on such day as may be named in the said Proclamation or by other Proclamation.

**Short Title.**

8—This Law may be cited as "The Leyland Wharf Pier Law, 1931."

No. 17—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

24th June, 1931.

A LAW to give effect to a certain Convention on the execution of Arbitral Awards.

[ 25th June, 1931. ]

WHEREAS a Convention set out in the Schedule to Preamble.  
this Law, on the Execution of Arbitral Awards was  
on the twenty-sixth day of September, nineteen hundred  
and twenty-seven, signed at Geneva on behalf of His  
Majesty:

And whereas it is expedient that such provisions should  
be enacted by the Legislative Council of Jamaica which  
will enable the said Convention to become operative in  
this Colony:

Be it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—This Law applies to any award made after the Application of  
twenty-eighth day of July, nineteen hundred and  
twenty-four—



- (a) in pursuance of an agreement for arbitration to which the Protocol set out in the Schedule to the Arbitration Clauses Protocol Law, 1931, applies; and
- (b) between persons of whom one is subject to the jurisdiction of some one of such Powers as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be parties to the said Convention, and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid; and
- (c) in one of such territories as His Majesty, being satisfied that reciprocal provisions have been made may by Order in Council declare to be territories to which the said Convention applies, and an award to which the provisions of this Law apply is in this Law referred to as a "foreign award."

**Effect of foreign awards.**

2—(1) A foreign award shall, subject to the provisions of this Law, be enforceable in Jamaica either by action or under the provisions of section 11 of the Arbitration Law, 1900 (Law 33 of 1900).

(2) Any foreign award which would be enforceable under this Law shall be treated as binding for all purposes on the persons as between whom it was made, and may accordingly be relied on by any of these persons by way of defence, set off or otherwise in any legal proceedings in Jamaica, and any references in this Law to enforcing a foreign award, shall be construed as including references to relying on an award.

**Conditions for enforcement of foreign awards.**

3—(1) In order that a foreign award may be enforceable under this Law, it must have—

- (a) been made in pursuance of an agreement for arbitration which was valid under the Law by which it was governed;
- (b) been made by the tribunal provided for in the agreement or constituted in manner agreed upon by the parties;

(c) been made in conformity with the Law governing the arbitration procedure;

(d) become final in the country in which it was made;

(e) been in respect of a matter which may lawfully be referred to arbitration under the Law of Jamaica;

and the enforcement thereof must not be contrary to the public policy or the Law of Jamaica.

(2) Subject to the provisions of this sub-section, a foreign award shall not be enforceable under this Law if the Supreme Court is satisfied that—

(a) the award has been annulled in the country in which it was made; or

(b) the party against whom it is sought to enforce the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case, or was under some legal incapacity and was not properly represented; or

(c) the award does not deal with all the questions referred or contains decisions on matters beyond the scope of the agreement for arbitration:

Provided that, if the award does not deal with all the questions referred, the court may, if it thinks fit, either postpone the enforcement of the award or order its enforcement subject to the giving of such security by the person seeking to enforce it as the court may think fit.

(3) If a party seeking to resist the enforcement of a foreign award proves that there is any ground other than the non-existence of the conditions specified in paragraphs (a) (b) and (c) of sub-section (1) of this section, or the existence of the conditions specified in paragraphs (b) and (c) of sub-section (2) of this section, entitling him to contest the validity of the award, the court may, if it thinks fit, either refuse to enforce the award or adjourn the hearing until after the expiration of such period as appears to the court to be reasonably sufficient to enable that party to take the necessary steps to have the award annulled by the competent tribunal.

4—(1) The party seeking to enforce a foreign award must produce— Evidence.



- (a) the original award or a copy thereof duly authenticated in manner required by the Law of the country in which it was made; and
- (b) evidence proving that the award has become final; and
- (c) such evidence as may be necessary to prove that the award is a foreign award and that the conditions mentioned in paragraphs (a), (b) and (c) of sub-section (1) of the last foregoing section are satisfied.

(2) In any case where any document required to be produced under sub-section (1) of this section is in a foreign language, it, shall be the duty of the party seeking to enforce the award to produce a translation certified as correct by a diplomatic or consular agent of the country to which that party belongs, or certified as correct in such other manner as may be sufficient according to the Law of Jamaica.

(3) Subject to the provisions of this section, rules of court may be made under section 36 of the Judicature Law 1879 (Law 24 of 1879) with respect to the evidence which must be furnished by a party seeking to enforce an award under this Law.

Meaning of  
"final award."

5—For the purposes of this Law, an award shall not be deemed final if any proceedings for the purpose of contesting the validity of the award are pending in the country in which it was made.

Saving

6—Nothing in this Law shall—

- (a) prejudice any rights which any person would have had of enforcing in Jamaica any award or of availing himself in Jamaica of any award if this Law had not been enacted; or
- (b) apply to any award made on an arbitration agreement governed by the Law of Jamaica.

Short Title.

7—This Law may be cited as the Arbitration (Foreign Awards) Law, 1931.

## SCHEDULE.

## CONVENTION ON THE EXECUTION OF FOREIGN ARBITRAL AWARDS.

## ARTICLE 1.

In the territories of any High Contracting Party to which the present Convention applies, an arbitral award made in pursuance of an agreement, whether relating to existing or future difference (hereinafter called a "submission to arbitration") covered by the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923, shall be recognised as binding and shall be enforced in accordance with the rules of the procedure of the territory where the award is relied upon, provided that the said award has been made in a territory of one of the High Contracting Parties to which the present Convention applies and between persons who are subject to the jurisdiction of one of the High Contracting Parties.

To obtain such recognition or enforcement, it shall, further, be necessary:—

- (a) that the award has been made in pursuance of a submission to arbitration which is valid under the law applicable thereto;
- (b) that the subject matter of the award is capable of settlement by arbitration under the law of the country in which the award is sought to be relied upon;
- (c) that the award has been made by the Arbitral Tribunal provided for in the submission to arbitration or constituted in the manner agreed upon by the parties and in conformity with the law governing the arbitration procedure;
- (d) that the award has become final in the country in which it has been made, in the sense that it will not be considered as such if it is open to opposition, *appel* or *pourvoi en cassation* (in the countries where such forms of procedure exist) or if it is proved that any proceedings for the purpose of contesting the validity of the award are pending;
- (e) that the recognition or enforcement of the award is not contrary to the public policy or to the principles of the law of the country in which it sought to be relied upon.

## ARTICLE 2.

Even if the conditions laid down in Article 1 hereof are fulfilled, recognition and enforcement of the award shall be refused if the Court is satisfied:—

- (a) that the award has been annulled in the country in which it was made;
- (b) that the party against whom it is sought to use the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case; or that, being under a legal incapacity, he was not properly represented;
- (c) that the award does not deal with the differences contemplated by or falling within the terms of the submission to arbitration or that it contains decisions on matters beyond the scope of the submission to arbitration.

If the award has not covered all the questions submitted to the arbitral tribunal, the competent authority of the country where recognition or enforcement of the award is sought can, if it think fit, postpone such recognition or enforcement or grant it subject to such guarantee as that authority may decide.



## ARTICLE 3.

If the party against whom the award has been made proves that, under the law governing the arbitration procedure, there is a ground, other than the grounds referred to in Article 1 (a) and (c), and Article 2 (b) and (c), entitling him to contest the validity of the award in a Court of Law, the Court may, if it thinks fit, either refuse recognition or enforcement of the award or adjourn the consideration thereof, giving such party a reasonable time within which to have the award annulled by the competent tribunal.

## ARTICLE 4.

The party relying upon an award or claiming its enforcement must supply, in particular:—

- (1) the original award or a copy thereof duly authenticated, according to the requirements of the law of the country in which it was made;
- (2) documentary or other evidence to prove that the award has become final, in the sense defined in Article 1 (d), in the country in which it was made;
- (3) when necessary, documentary or other evidence to prove that the conditions laid down in Article 1, paragraph 1 and paragraph 2 (a) and (c), have been fulfilled.

A translation of the award and of the other documents mentioned in this Article into the official language of the country where the award is sought to be relied upon may be demanded. Such translation must be certified correct by a diplomatic or consular agent of the country to which the party who seeks to rely upon the award belongs or by a sworn translator of the country where the award is sought to be relied upon.

## ARTICLE 5.

The provisions of the above Articles shall not deprive any interested party of the right of availing himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

## ARTICLE 6.

The present Convention applies only to arbitral awards made after the coming-into-force of the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923.

## ARTICLE 7.

The present Convention, which will remain open to the signature of all the signatories of the Protocol of 1923, on Arbitration Clauses, shall be ratified.

It may be ratified only on behalf of those Members of the League of Nations and non-Member States on whose behalf the Protocol of 1923, shall have been ratified.

Ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations, who will notify such deposit to all the signatories.

## ARTICLE 8.

The present Convention shall come into force three months after it shall have been ratified on behalf of two High Contracting Parties. Thereafter, it shall take effect, in the case of each High Contracting Party, three months after the deposit of the ratification on its behalf with the Secretary-General of the League of Nations.

ARTICLE 9.

The present Convention may be denounced on behalf of any Member of the League or non-Member State. Denunciation shall be notified in writing to the Secretary-General of the League of Nations, who will immediately send a copy thereof, certified to be in conformity with the notification, to all the other Contracting Parties, at the same time informing them of the date on which he received it.

The denunciation shall come into force only in respect of the High Contracting Party which shall have notified it and one year after such notification shall have reached the Secretary-General of the League of Nations.

The denunciation of the Protocol on Arbitration Clauses shall entail, *ipso facto*, the denunciation of the present Convention.

ARTICLE 10.

The present Convention does not apply to the Colonies, Protectorates or territories under suzerainty or mandate of any High Contracting Party unless they are specially mentioned.

The application of this Convention to one or more of such Colonies, Protectorates or territories to which the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923, applies, can be effected at any time by means of a declaration addressed to the Secretary-General of the League of Nations by one of the High Contracting Parties.

Such declaration shall take effect three months after the deposit thereof.

The High Contracting Parties can at any time denounce the Convention for all or any of the Colonies, Protectorates or territories referred to above. Article 9 hereof applies to such denunciation.

ARTICLE 11.

A certified copy of the present Convention shall be transmitted by the Secretary-General of the League of Nations to every Member of the League of Nations and to every non-Member State which signs the same.





No. 18--1931.

I assent,

[L.S.]

R. E. STUBBS,  
*Governor.*

24th June, 1931.

A LAW to give effect to a Protocol on Arbitration Clauses signed on behalf of His Majesty at a meeting of the Assembly of the League of Nations held on the 24th day of September, 1923.

[ 25th June, 1931.]

WHEREAS at a meeting of the Assembly of the League of Nations held on the twenty-fourth day of September, nineteen hundred and twenty-three, the Protocol on arbitration clauses set forth in the Schedule to this Law was signed on behalf of His Majesty: Preamble.

And whereas on the twelfth day of March, nineteen hundred and twenty-six this Colony acceded to the said Protocol:

And whereas for the purpose of giving effect to the said Protocol it is expedient that the provisions hereinafter contained shall have effect:



Be it enacted by the Governor and Legislative Council of Jamaica as follows:—

Staying of court proceedings in respect of matters to be referred to arbitration under commercial agreements.

1—Notwithstanding anything in the Arbitration Law, 1900 (Law 33 of 1900), if any party to a submission made in pursuance of an agreement to which the said Protocol applies, or any person claiming through or under him, commences any legal proceedings in any court against any other party to the submission, or any person claiming through or under him, in respect of any matter agreed to be referred, any party to such legal proceedings may at any time after appearance, and before delivering any pleadings or taking other steps in the proceedings, apply to that court to stay the proceedings, and that court or a judge thereof, unless satisfied that the agreement or arbitration has become inoperative or cannot proceed, or that there is not in fact any dispute between the parties with regard to the matter agreed to be referred, shall make an order staying the proceedings.

Short Title.

2—This Law may be cited as the Arbitration Clauses (Protocol) Law, 1931.

## SCHEDULE.

### PROTOCOL ON ARBITRATION CLAUSES.

The undersigned, being duly authorised, declare that they accept, on behalf of the countries which they represent, the following provisions:—

1. Each of the Contracting States recognises the validity of an agreement whether relating to existing or future differences between parties, subject respectively to the jurisdiction of different Contracting States by which the parties to a contract agree to submit to arbitration all or any differences that may arise in connection with such contract relating to commercial matters or to any other matter capable of settlement by arbitration, whether or not the arbitration is to take place in a country to whose jurisdiction none of the parties is subject.

Each Contracting State reserves the right to limit the obligation mentioned above to contracts which are considered as commercial under its national law. Any Contracting State which avails itself of this right will notify the Secretary-General of the League of Nations, in order that the other Contracting States may be so informed.

2. The arbitral procedure, including the constitution of the arbitral tribunal, shall be governed by the will of the parties and by the law of the country in whose territory the arbitration takes place.

The Contracting States agree to facilitate all steps in the procedure which require to be taken in their own territories, in accordance with the provisions of their law governing arbitral procedure applicable to existing differences.

3. Each Contracting State undertakes to ensure the execution by its authorities and in accordance with the provisions of its national laws of arbitral awards made in its own territory under the preceding articles.

4. The tribunals of the Contracting Parties, on being seized of a dispute regarding a contract made between persons to whom Article 1 applies and including an arbitration agreement whether referring to present or future differences which is valid in virtue of the said article and capable of being carried into effect, shall refer the parties on the application of either of them to the decision of the arbitrators.

Such reference shall not prejudice the competence of the judicial tribunals in case the agreement or the arbitration cannot proceed or become inoperative.

5. The present Protocol, which shall remain open for signature by all States, shall be ratified. The ratification shall be deposited as soon as possible with the Secretary-General of the League of Nations, who shall notify such deposit to all the signatory States.

6. The present Protocol shall come into force as soon as two ratifications have been deposited. Thereafter it will take effect, in the case of each Contracting State, one month after the notification by the Secretary-General of the deposit of its ratification.

7. The present Protocol may be denounced by any Contracting State on giving one year's notice. Denunciation shall be effected by a notification addressed to the Secretary-General of the League, who will immediately transmit copies of such notification to all the other signatory States and inform them of the date on which it was received. The denunciation shall take effect one year after the date on which it was notified to the Secretary-General, and shall operate only in respect of the notifying State.

8. The Contracting States may declare that their acceptance of the present Protocol does not include any or all of the undermentioned territories: that is to say, their colonies, overseas possessions or territories, protectorates or the territories over which they exercise a mandate.

The said States may subsequently adhere separately on behalf of any territory thus excluded. The Secretary-General of the League of Nations shall be informed as soon as possible of such adhesions. He shall notify such adhesions to all signatory States. They will take effect one month after the notification by the Secretary-General to all signatory States.

The Contracting States may also denounce the Protocol separately on behalf of any of the territories referred to above. Article 7 applies to such denunciation.





No. 19—1931.

I assent,

[L.S.]

R. E. STUBBS,  
*Governor.*

24th June, 1931.

A LAW to provide for an additional pension to Thomas John Field, formerly an Inspector of Police of the Jamaica Constabulary Force.

[The day of the date of any Proclamation notifying that  
His Majesty will not exercise his powers of disallowance.]

**W**HEREAS under the provisions of the Pension Law, **Preamble.**  
1904 (Law 24 of 1904) a pension was granted to Thomas John Field formerly an Inspector of Police of the Jamaica Constabulary Force.

And whereas a Resolution to the following effect—

That with reference to the Message from His Excellency the Governor, No. 4, dated the seventeenth day of January one thousand nine hundred and thirty-one, this Council approves of the necessary Bill being introduced to enable Mr. T. J. Field, formerly Inspector of Police in Jamaica to obtain an additional pension at the rate of six pounds eighteen shillings and five pence per annum as from the date of his retirement from the Service, viz.:—twelfth May one thousand nine hundred and thirty was passed by the Legislative Council on the twenty-fifth day of February one thousand nine hundred and thirty-one.



Be it enacted by the Governor and Legislative Council of Jamaica as follows:—

Grant of  
additional  
pension.

1—Notwithstanding anything in any Law contained the said Thomas John Field shall be entitled to be paid an additional pension of six pounds eighteen shillings and five pence per annum from the twelfth day of May one thousand nine hundred and thirty: Provided always that such additional pension shall be deemed to be a pension granted under the Pension Law, 1904 (Law 24 of 1904) or any Law passed in amendment thereof or substitution therefor and shall be subject to the provisions of the said Law and the regulations made thereunder.

Short Title.

2—This Law may be cited as the Pension Provision (Thomas John Field) Law, 1931.

Coming into  
operation of  
Law.

3—This Law shall not come into operation unless and until the Governor notifies by proclamation published in the Gazette that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation on such day as the Governor shall notify by the same or any other proclamation.

No. 20—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

24th June, 1931.

A LAW to make provision for the Improvement of the  
Kingston Race Course.

[25th June, 1931.]

WHEREAS the lands known as the Kingston Race Course were purchased by the predecessors of the Kingston and St. Andrew Corporation and certain trusts were declared and restrictions imposed by Statute and doubts have arisen as to the powers and duties of the said Corporation in relation to the said lands: Preamble.

And Whereas it is desirable to remove such doubts and to vest the said lands in the Corporation with all necessary rights and powers:

Be it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—In this Law, unless the context otherwise requires, Interpretation.  
“Corporation” means the Kingston and St. Andrew Corporation: “The Race Course” means the land in the



parish of Kingston enclosed by the thoroughfares now known as North Race Course, South Race Course, East Race Course and West Race Course: "The Stand Enclosure" means all that parcel of land part of the Kingston Race Course containing three roods and eight perches and butting north on the road leading from the Torrington Bridge to the said Kingston Race Course; south on a foot path or roadway part of the said Kingston Race Course connecting West Race Course with the race track; east on the race track and west on West Race Course:

"Corporate Area" means the area defined and described in the first schedule to the Kingston and St. Andrew Corporation Law, 1931 (Law 12 of 1931) or in any Law consolidating and amending the same.

Vesting of Race  
Course in  
Corporation.

2—The Race Course is hereby declared to be vested in the Council of the Corporation for the benefit of the inhabitants of the Corporate area.

Powers and  
rights of  
Corporation in  
relation to Grand  
Stand, etc., and  
duties and  
liabilities of  
Altamont  
Dolphy.

3—It shall be lawful for the Corporation to permit the Grand Stand and other Buildings erected by Altamont Dolphy of the parish of St. Andrew, Merchant, in the Stand Enclosure, to remain on the said land for a period of twenty years from the date on which this Law shall come into operation subject to the following conditions:—

- (a) The said Altamont Dolphy shall during the said period have the exclusive right to the use of the Stand Enclosure and the said buildings for the purpose of conducting race meetings on not more than six occasions during each year the dates whereof shall be notified by him to the Corporation within two weeks after the coming into operation of this Law and of each anniversary of such date, and he shall be entitled to charge for admission to the Stand Enclosure and the said buildings.

The Corporation shall grant to the said Altamont Dolphy the use of the present race track for the purpose of holding the said race meetings subject to the regulations to be made under this Law and to the payment of the fees

fixed thereby (such fees not to exceed fifteen pounds for one day and twenty five pounds for two days) but he shall make no charge for admission to any part of the Race Course save and except to the Stand Enclosure and the buildings thereon.

- (b) The Corporation shall have the right on all occasions other than those referred to in the preceding sub-section to grant the use of the Stand Enclosure and the said buildings to any Society, Club, Committee, Corporation or person for any of the purposes mentioned in Section 4 of this Law upon payment to the said Altamont Dolphy of the fees fixed by the regulations to be made under this Law (such fees in the case of race meetings to be not less than thirty pounds for one day and fifty pounds for two days).
- (c) The said Altamont Dolphy shall keep in good order and condition the said Grand Stand and all other buildings erected on the Stand Enclosure, fire and acts of God or the King's enemies excepted, and shall also insure and keep insured against loss or damage by fire and hurricane the said Grand Stand and other buildings.
- (d) At the expiration of the said period of twenty years the Stand and other buildings erected on the Stand Enclosure shall become the property of the Corporation and all the rights of the said Altamont Dolphy therein shall absolutely cease.
- (e) The Corporation may at any time, with the previous approval of the Governor in Privy Council, before the expiration of twenty years from the date on which this Law shall come into operation by notice in writing served upon him determine the rights of the said Altamont Dolphy and he shall within six months from the date of the service of such notice or such longer time as the Corporation may allow, pull down and remove the said buildings or serve the Corporation with notice that he elects that the Corporation shall purchase the said buildings and if he shall so



elect the Corporation shall within three months of such election pay to him by way of compensation for the determination of his rights the sum of one hundred and fifty pounds for each year then unexpired of the said period of twenty years.

- (f) The rights and liabilities of the said Altamont Dolphy under this Law shall enure to and devolve on his executors, administrators and assigns.

Use of Race  
Course for race  
meetings, fairs,  
games, etc.

4—(1) The Corporation may from time to time subject to regulations to be made under this Law grant, allot or apportion the use of the Race Course and/or parts thereof temporarily to any Society, Club, Committee, Corporation or person for the purpose of race meetings, exhibitions, shows, fairs, athletic contests, games, tournaments, fetes, entertainments, and for any other purposes of a like nature authorised by the regulations to be made under this Law to which the public may be admitted (by ticket or on payment of such sum as the Corporation may approve or without any payment).

(2) No permanent buildings shall be erected within the Race Course except that it shall be lawful for the Corporation to erect or permit to be erected thereon a building for the carrying on of a *Pari Mutuel*.

Power to make  
regulations.

5—(1) The Corporation may from time to time make alter or revoke regulations in relation to all or any of the following matters:—

- (a) The purposes for and the conditions under which the Race Course and/or any part thereof may be used and the fees to be paid to the Corporation therefor.
- (b) Generally, for the regulation, control, management, maintenance and conduct of the Race Course or any part thereof.
- (c) The removal of any person infringing any of the regulations.

(2) All such regulations shall be subject to the approval of the Governor in Privy Council who may allow, disallow, alter or add to such regulations or any of them and such regulations shall when so approved be published in the

Gazette and come into force on such date as the Governor shall by notice to be published in the same or any other Gazette appoint.

6—Any person who acts in contravention to any of the provisions of this Law or of any by-laws, rules or regulations contained in this Law or made under any powers conferred in this Law shall be liable on summary conviction before a Resident Magistrate or two Justices of the Peace to a penalty not exceeding ten pounds and in default of payment thereof to imprisonment not exceeding one month. Penalties,

7—Section 1 of the Act George III, Chapter 28, in so far as its provisions may yet be in force is hereby repealed. Repeal of 49  
Geo. III, ch. 28.

8—This Law may be cited as the Kingston Race Course Law, 1931. Short Title.





No. 21 —1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

24th June, 1931.

A LAW to authorise the raising of a Loan for  
Road Works.

[25th June, 1931.]

**W**HEREAS it is necessary to make provision to meet Preamble,  
in part the cost of the works recommended in the  
first, second and third reports of the Road Advisory  
Committee, as set out in the Schedules to this Law and of  
such machinery as may be required for use in connection  
with such works:

And whereas part of such cost to the amount of approxi-  
mately two hundred and nine thousand pounds has  
already been met out of the general revenue of the Colony  
and it is now necessary to provide by Law for the raising  
of the balance of the money required for the purpose:

Be it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—(1) The Governor is hereby authorised to raise by Authority to  
raise loan.  
the issue of a loan either at one time or by instalments as  
may be convenient, the sum of five hundred thousand



pounds sterling and such further sum as may be necessary to defray the expenses of issue.

(2) The loan hereby authorised, or any part thereof, may be raised either by the issue of stock or debentures, or both, under the provisions of the General Loan Inscribed Stock Law, 1921 (Law 12 of 1921) or under the provisions of the Local Inscribed Stock Law, 1891 (Law 17 of 1891) and any Law amending the same, or under the provisions of the Local Debenture Law, 1925 (Law 9 of 1925); or also in accordance with and under the provisions of the Raising of Loans (Additional Powers) Law, 1927 (Law 4 of 1927); or also in accordance with and under the provisions of the Colonial Treasury Bills Law, 1922 (Law 11 of 1922); or also in accordance with and under the provisions of the Local Treasury Bills Law, 1930 (Law 10 of 1930).

**Application of  
Loan.**

2—The said sum of five hundred thousand pounds shall be utilised in part payment of the cost of construction of the roads and works and for the purchase of machinery as set out in the Schedules to this Law: Provided that it shall be lawful for the Director of Public Works with the sanction of the Governor in Privy Council to utilise any savings which may be or may have been made on any item of work mentioned in the Schedules hereto to cover in whole or in part any excess of expenditure on any other item or items. If any savings are so utilised a full statement showing how the same have been appropriated shall in due course be laid upon the table of the Legislative Council.

**Provision as to  
sinking fund.**

3—(1) If the loan hereby authorised, or any part thereof, shall be issued under the provisions of the General Loan and Inscribed Stock Law, 1921 (Law 12 of 1921) or of the Local Inscribed Stock Law, 1891 (Law 17 of 1891) or of any Law amending the same, or of the Local Debenture Law, 1925 (Law 9 of 1925) then the contribution to sinking fund as contemplated by sections 13 and 27, sections 17 and 18 and section 4 respectively of those Laws,

shall commence one year after the date from which the interest on stock or debentures to be issued under those Laws shall begin to run.

(2) If the said loan, or any part thereof, is raised under the provisions of the Colonial Treasury Bills Law, 1922, (Law 11 of 1922) then the provisions as to repayment as provided under the said Law shall apply.

(3) If the said loan, or any part thereof, is raised under the provisions of the Raising of Loans (Additional Powers) Law, 1927, (Law 4 of 1927) then the provisions as to interest and sinking fund as provided under the said Law shall apply.

(4) If the said loan, or any part thereof, is raised under the provisions of the Local Treasury Bills Law, 1930, (Law 10 of 1930) then the provisions as to repayment as provided under the said Law shall apply.

4—The principal moneys raised under this Law and any interest thereon, are hereby charged upon and shall be payable out of the general revenue and assets of the Government of Jamaica.

Principal  
moneys and  
interest charged  
on general  
revenue.

5—This Law may be cited as the Roads Loan Law, 1931. Short Title.



## FIRST SCHEDULE.

	£
Angels Bridge and seven fordings .. ..	6,500
Colonels Ridge to Far Enough .. ..	20,000
Stanton Road .. ..	5,000
Mount James to Brandon Hill .. ..	32,000
Ipswich to Elderslie .. ..	9,900
Lorrimers to Borobridge .. ..	14,000
Vaughansfield to Springvale .. ..	1,100
Amity Hall to Kensington .. ..	16,000
Fort Stewart to Enfield .. ..	8,000
No. 1 Bagnolds .. ..	3,500
Williamsfield—Mount Industry .. ..	14,400
Eden Bridge and deviations .. ..	10,000
Greenvale to Craighead .. ..	20,000
Darliston deviation .. ..	3,000
No. 5 and No. 20 in Westmoreland .. ..	6,000
Jericho to Cascade .. ..	5,000
Cash Hill to Locust Tree .. ..	5,000
Albert Town to Clark's Town .. ..	39,000
<i>Reconstruction Work—</i>	
Drainage Old Harbour Road .. ..	2,000
Parochial Road through Spanish Town, Old Harbour, St. Ann's Bay, Brown's Town and Linstead	11,500
Strengthening roads in St. Mary .. ..	10,000
Junction Road .. ..	4,500
Strengthening roads in Northern Manchester and Clarendon	10,000
Bridges, Morant Bay .. ..	15,000
Machinery .. ..	30,000
Total	£301,400

## SECOND SCHEDULE.

	£
Complete the road Summerfield to Thompson Town	5,000
Frankfield to Smithville via Nine Turns and improve the road Thompson Town to Smithville .. ..	25,000
Bridge and deviation at Alston end of Moravia Road	4,000
Road Bath through the Corn Puss Gap to Millbank and improve the road Millbank to Port Antonio with five bridges .. ..	39,000
Two bridges on the White River in Portland .. ..	4,600
Three small bridges on the road Hardware Gap to Buff Bay .. ..	2,000
Road Rock Hall to Above Rocks .. ..	5,000
Improve the Hagley Park Road .. ..	2,000
Road Four Paths via Springfield and Pisgah to Ginger Hill .. ..	9,800
Widen dangerous places on the road Claremont to Brown's Town .. ..	6,000
Widen road Bensonton to Claremont .. ..	4,000
Take over and improve Parochial Roads Nos. 2 and 14 Marley .. ..	4,000
Road Elderslie via Niagara to Mocho (part of St. Elizabeth) .. ..	15,000

	£
Chovey Bridge and deviation .. ..	12,000
Road Belfield via Connors, Ginger Ridge to Rock River	30,000
Road Fort William to Grange, Parochial Road No. 21	
St. Peters .. ..	9,700
Connect Cascade to the main road Cash Hill to Penny-cooks .. ..	9,000
<b>Total</b>	<b>£186,100</b>

## THIRD SCHEDULE.

	£
<i>St. Andrew and St. Thomas—</i>	
Improve main coast road Kingston to Morant Bay	20,000
<i>Portland—</i>	
New road Tranquility to Bangor Ridge .. ..	9,800
Hartford to Vineyard Hill .. ..	8,600
<i>St. Mary—</i>	
Bridge Cuffy Gully .. ..	1,000
Long Road to Fort George, improve, deviate and bridge	
Pencar River .. ..	14,000
New road from Richmond into Flint River Valley	10,500
Existing feeder roads (strengthen) to take motor traffic, Windsor Castle to Palmetto Grove ..	7,000
<i>St. Catherine—</i>	
Mount Industry—Glengoffe (new road between)	14,000
Mendes Hill, deviate steep grade between 16th and 18th mile posts and improve .. ..	9,500
<i>Clarendon—</i>	
Low Ground Bridge Scheme—Bridging the Pindars River and Rio Minho .. ..	12,900
Road Morgans Pass to Colonels Ridge—improve	6,000
Frankfield to Johns Hall, Corner Shop New Road	19,500
Alston to Tweedside Road: construction of ..	25,000
<i>St. James—</i>	
New road Cambridge to Crown Lands to Mount Horeb and improve parochial road .. ..	10,000
<i>Trelawny—</i>	
Joe Hut Road and bridge Quashie River .. ..	10,000
<i>Hanover—</i>	
Extend main road Cascade to Pondsides .. ..	10,100
<i>Westmoreland—</i>	
New road to Grange and Williamsfield District from Montpelier main road .. ..	12,500
<i>St. Elizabeth—</i>	
Two new cart roads into Crown Lands to connect with existing road to Elderslie and Balaclava .. ..	4,000
<i>Manchester—</i>	
Widen and improve road Coleyville to Troy .. ..	3,000
<i>Generally—</i>	
Machinery .. ..	8,900
<b>Total</b> ..	<b>£216,300</b>





No. 22—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

6th July, 1931.

A LAW in aid of the Jamaica Coconut Producers Association Limited.

[9th July, 1931.]

**W**HEREAS it is desirable to foster the objects of the Jamaica Coconut Producers Association Limited a Company formed under the Laws of this Island primarily for the purposes of manufacturing all products whatsoever including copra and oil out of coconuts grown in Jamaica and of marketing on a co-operative basis such coconuts and such manufactured products, and to ensure the provision of funds required for its efficient working:

Be it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—The Jamaica Coconut Producers Association Limited (hereinafter referred to as “the Association”) may issue debentures or certificates under this Law for all or any of the purposes herein defined. Such debentures or certificates shall be issued and sold at such price and be in such form as may be approved by the Governor and shall bear interest at a rate not exceeding

Authority to  
issue debentures  
or certificates.



five per centum per annum and shall be redeemable not less than five years nor more than fifteen years after the date of their respective issues: Provided always that the aggregate amount of the debentures or certificates issued under this Law shall not exceed fifty thousand pounds in value and provided further that after debentures or certificates shall have already been issued under this Law to the aggregate amount of twenty-five thousand pounds in value any further debentures or certificates to be issued under this Law shall be issued only at such times and for such further aggregate amounts in value as may from time to time be authorised by resolution of the Legislative Council of Jamaica.

Debentures to be countersigned and guaranteed by general revenues and assets of Colony.

2—Every debenture and certificate to be issued under the provisions of this Law shall be countersigned under the authority of the Governor by the Treasurer of the Island and upon such counter-signature being effected the principal and interest of the debentures and certificates so countersigned shall be guaranteed by the general revenues and assets of the Colony and shall be paid by the Treasurer or by the Crown Agents as they become due in the same manner as the principal and interest of Island debentures are usually paid. The interest on the debentures and certificates shall be paid half-yearly.

Interest to be half-yearly.

Application of proceeds of debentures and certificates.

3—The proceeds of all debentures and certificates issued under this Law shall be applied exclusively for one or more of the following purposes :—

- (a) In payment in whole or in part of any liability of the Association incurred for the purchasing, building and erecting of a factory or factories including all machinery that may be necessary therefor for the purpose of manufacturing all products whatsoever including copra and oil out of coconuts grown in this Island.
- (b) To provide wholly or partially the working capital of the Association.
- (c) To provide wholly or partially the capital of any Company promoted by the Association whose primary object is to manufacture and market on

a co-operative basis any products whatsoever including copra and oil out of coconuts grown in this Island.

#### INTEREST AND REDEMPTION FUND.

4—A fund shall be constituted and maintained as hereinafter provided for the payment of interest on and the redemption of the debentures or certificates issued under this Law. All sums deposited in the Treasury as hereinafter provided and not required for interest on the debentures or certificates shall be annually carried to a fund (hereinafter called "the Redemption Fund").

Redemption  
Fund con-  
stituted.

So long as any debenture or certificate issued under this Law shall remain outstanding and unpaid the Association shall deposit in the Treasury at the time or times set out in the next succeeding section of this Law in respect of all coconuts and copra produced by its members and delivered to and accepted by it a sum or sums equivalent to sixpence per bag of coconuts and twenty-five shillings per ton of copra so produced and delivered and accepted as aforesaid. All such sums and all further sums that may be deposited in the Treasury in pursuance of Section 6 of this Law shall be and are specially pledged first for the payment of interest on the debentures or certificates issued under this Law and thereafter to the repayment thereof by means of the Redemption Fund hereinafter constituted.

For the purposes of this section—

- (a) a bag of coconuts shall mean one hundred "select" coconuts or one hundred and fifty "cull" or "small" coconuts or two hundred and fifty "egg" coconuts;
- (b) "select" coconuts shall mean coconuts which cannot pass through a three and three quarter inch gauge;
- (c) "cull" or "small" coconuts shall mean coconuts which can pass through a three and three-quarter inch gauge but which cannot pass through a three inch gauge;



- (d) "egg" coconuts shall mean coconuts which can pass through a three inch gauge but which cannot pass through a two and a half inch gauge.

Returns to be made to Treasurer.

5—The Association shall, not later than fourteen days after the end of each calendar month, make a return to the Treasurer showing the number of bags of coconuts and tons of copra produced, delivered and accepted as aforesaid during that calendar month and shall at the time of making each such return deposit in the Treasury the sum or sums provided for in the preceding section of this Law in respect of the coconuts and copra set forth in such return. It shall be lawful for the Governor in Privy Council to make such rules and regulations as shall be deemed necessary prescribing the form of such returns and for the purpose of ensuring the making and verification of such returns. Such rules and regulations shall be published in the Gazette and shall have the force of Law.

Rules to be made as to returns and their verification.

Association to augment redemption fund in certain circumstances.

6—If at any of the dates fixed for the payment of interest on the debentures and certificates issued under this Law the total amount of the sums deposited in the Treasury by the Association in pursuance of Sections 4 and 5 of this Law during the six months immediately preceding such date fixed for the payment of interest shall be insufficient to provide the interest accruing at such date on the debentures and certificates then outstanding and unpaid together with an amount equivalent to one-twentieth part of the nominal amount of the debentures and certificates then outstanding and unpaid, the Association shall on or before such date deposit in the Treasury a sum of money equivalent to the amount (if any) by which the total of the sums deposited in pursuance of Sections 4 and 5 of this Law during such six months shall be less than the amount required to pay such interest and shall also on demand by the trustees deposit in the Treasury such further sum of money as may be necessary together with the sums deposited in pursuance of Sections 4 and 5 of this Law and of the preceding provisions of this section to provide for such interest and an amount equivalent to one-twentieth part of the nominal amount of the debentures and certificates then outstanding and unpaid.

7—The persons for the time being holding the several offices of Colonial Secretary, Treasurer and Auditor-General are hereby appointed trustees of the Redemption Fund constituted by this Law. The trustees shall at the close of each financial year publish in the Gazette a full statement showing the amount of contribution to the said fund. The trustees shall from time to time invest the said fund in such manner as the Governor may direct and shall also from time to time with the like direction realise and/or vary the investments. It shall likewise be lawful for the said trustees in any year with the sanction of the Governor to apply any part of the Redemption Fund in the purchase of debentures or certificates issued under this Law from such of the holders thereof as are willing to sell.

Trustee of redemption fund.

Buying in of debentures.

#### REDEMPTION OF DEBENTURES.

8—From time to time as and when and in so far as the Redemption Fund shall be sufficient for the purpose the trustees shall at the direction of the Governor redeem a specified nominal amount of such of the debentures or certificates as shall then by their terms be redeemable. The debentures or certificates so to be redeemed shall be determined on by the drawing by lot of the debentures or certificates to be redeemed and when so determined on be repaid in manner following that is to say:—

Redemption and repayment of debentures.

- (a) The trustees shall appoint a day for drawing and shall give by advertisement in the Gazette and in at least one daily newspaper published in Jamaica not less than fifteen days previous notice specifying the days on which and the hours and place at which the drawings will take place and the nominal amount of the debentures or certificates to be redeemed at those drawings respectively.
- (b) On the day and at the hour and place so specified the Treasurer shall hold a meeting (at which the holder of any debenture or certificate may if he think fit be present) and shall then in the presence of such holders (if any) as may attend and of a Notary Public draw by lot out of the whole number of debentures or certificates as shall then by their terms be redeemable debentures or certificates of the specified nominal amount.



- (c) The trustees shall thereupon declare the distinguishing numbers of the debentures or certificates drawn for redemption and shall as soon as may be by advertisement in the Gazette and in at least one daily newspaper published in Jamaica specify those numbers and appoint a day not being later as to each debenture or certificate than the day on which the then current half-year's interest thereon is payable on which the principal moneys secured by the debentures or certificates so distinguished will be repaid.
- (d) On the day so appointed the Treasurer or the Crown Agents shall on demand pay to the holders of the debentures or certificates drawn for redemption the principal moneys secured by such debentures or certificates with all interest payable thereon up to that day. From and after the day appointed for the repayment of the debenture or certificates all interest on the principal moneys thereby secured shall cease and determine whether repayment of the principal has or has not been demanded.

Delivery up of  
debentures.

9—Upon the repayment of the principal moneys secured by any debenture or certificate such debenture or certificate with any coupons thereunto belonging shall be delivered up to the Crown Agents or to the Treasurer and shall be forthwith cancelled.

No reborrowing  
or reissue.

10—No money applied in redemption of a debenture or certificate shall be reborrowed and no debenture or certificate shall be issued in respect of or in substitution for any cancelled debenture or certificate.

Governor to  
have floating  
lien or charge  
so long as de-  
bentures or  
certificates  
remain  
unredeemed.

11—So long as any debentures or certificates issued by the Association under this Law and guaranteed by the Government shall remain unredeemed the Governor shall have a floating lien or charge on all the property and assets of the Association.

Short Title.

12—This Law may be cited as the Jamaica Coconut Producers Association Limited Debenture Law, 1931.

No. 23 --1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

6th July, 1931.

A LAW in aid of the Coconut Industry and to promote aid and encourage the local manufacture of Edible Oils.

[The day of the date of any Proclamation notifying that  
His Majesty will not exercise his powers of disallowance.]

**W**HEREAS it is desirable to assist the Coconut Industry of this Island and to promote aid and encourage the manufacture in this Island of edible oils:

Be it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—The Governor in Privy Council may from time to time make and when made may rescind alter or repeal rules for carrying out the provisions of this Law and as to any matter arising under this Law and may enforce such rules by means of penalties not exceeding twenty pounds to be recovered as penalties under this Law. Ruler.

Any rules made in pursuance of this section shall be published in the Gazette and shall be deemed to be within the powers conferred by this Law and shall be of the same force and effect as if enacted in this Law and shall be judicially noticed.



Coming into  
operation of  
Part 3 of this  
Law.

2—The provisions of Part 3 of this Law shall not come into operation until such date as the Governor shall notify by Proclamation to be published in the Gazette.

## PART 1.

### LICENSING IMPORTS OF EDIBLE OILS.

Appointment of  
Board by  
Governor.

3—It shall be lawful for the Governor to appoint a Board to be called "The Coconut Products Board" to carry out the provisions of this part of this Law and from time to time by Order to be published in the Gazette to define the composition powers and duties of the Board and from time to time by the same or like Order to appoint a Chairman of the Board.

License neces-  
sary for importa-  
tion.

4—(1) It shall not be lawful to import any edible oil into this Island except under a license first obtained for the purpose from the Governor: Provided however that whenever it shall appear to the satisfaction of the Governor that it is no longer necessary in the interests of the edible oil manufacturing industry in this Island to continue such control of the importations of edible oil into this Island as aforesaid it shall be lawful for the Governor in Privy Council from time to time by Order in Privy Council to be published in the Gazette to withdraw or modify such control and by like Order at any time to vary and/or revoke such Order previously made and to reimpose such control as aforesaid.

Governor may  
control export of  
copra and edible  
oil.

(2) Whenever it shall appear to the satisfaction of the Governor that it is necessary in the interests of the consumers of edible oil in this Island to control the export from this Island of copra and/or edible oil, it shall be lawful for the Governor in Privy Council from time to time by Order in Privy Council to be published in the Gazette to prohibit the export from this Island of any copra and/or edible oil except under a license first obtained for the purpose from the Governor and by like Order at any time to vary and/or revoke such Order previously made.

5—It shall be lawful for the Governor from time to time by Order to be published in the Gazette to fix the maximum retail prices for the various grades of edible oils in Jamaica and also from time to time by like Order to vary such maximum prices and/or to revoke any such Order previously made.

Fixing of maximum retail price by Governor.

6—Every person who is concerned in importing any edible oil or in exporting any copra or edible oil contrary to the provisions of this part of this Law or to any Order made hereunder as aforesaid shall on conviction be liable to a penalty of one hundred pounds and in default of payment of the penalty imposed to imprisonment ~~with~~ or without hard labour for three months.

Penalty on contravention.

7—Any person selling edible oil in excess of such maximum price so fixed as aforesaid shall on conviction be liable to a penalty of five pounds for any such offence and in default of payment of the penalty imposed to imprisonment with or without hard labour for one month.

Penalty for selling in excess of fixed maximum retail price.

8—Any edible oil imported contrary to the provisions of this part of this Law or to any Order made hereunder as aforesaid may be seized as though it were prohibited goods within the meaning of Section 37 of the Customs Consolidation Law, 1877 (Law 18 of 1877) or of any Law passed in amendment thereof or substitution therefor, and shall be forfeited and may be disposed of as the Governor may direct.

Forfeiture on contravention.

9—In proceedings for the forfeiture of any edible oil under this part of this Law the onus of proof shall be upon the person claiming such edible oil and it shall not be necessary for the person prosecuting the suit to prove that the edible oil is liable to seizure or forfeiture.

Onus of proof for proceedings in forfeiture.

10—The officers of Customs and any person acting with their concurrence may stop any ship or boat which they have reason to suspect has on board any edible oil of which the importation is prohibited under this part of this Law and may detain such ship or boat until search has been made

Powers of Customs Officers.



and such edible oil if found has been seized and removed under the provisions of this part of this Law.

The Governor may direct no suit or stop any suit and return goods or fine.

11—The Governor may direct in any particular case that no suit for forfeiture or other proceedings under this part of this Law shall be commenced or if any such suit or proceedings have been commenced may cause the same to be stopped by directing the Attorney General to enter a nolle prosequi or to take such other step as may be necessary to stop such suit or proceedings.

The Governor may if he thinks fit after the condemnation of any edible oil or payment of any fine under this part of this Law return the whole or any portion of such edible oil or fine to the owner thereof or to the person paying the fine.

Trial of Offences

12—Every offence under this part of this Law or under any Order made hereunder shall be tried summarily before a Resident Magistrate or two or more Justices of the Peace sitting in Petty Sessions and the offence shall be deemed to have been committed in the parish in which the offender resides.

## PART 2.

### INCREASE OF TARIFF ON EDIBLE OILS.

Power of Governor in Privy Council by Proclamation to impose duty on edible oil.

13—Notwithstanding anything contained in the Tariff Law 1925 or any other Tariff Law or Laws that may from time to time be in force in this Island it shall be lawful for the Governor in Privy Council by a Proclamation to be published in the Gazette (which Proclamation when so published shall have the force of Law) either immediately upon the publication of such Proclamation as aforesaid or from such date as may be set forth in such Proclamation to impose a duty on all edible oil imported into this Island at a rate not exceeding the rate set out in Sub-sections (a) and (b) hereunder and to revoke or repeal the duty (if any) then imposed on such edible oil by under or in pursuance of any Law of this Island then being in force:

- (a) On all edible oil, the growth produce or manufacture of the United Kingdom or the Dominion of Canada

or of any part of the British Empire or of any other country to which any preferential tariff in force in the Colony for the time being has been made to apply under or in pursuance of any Law of this Island for the time being in force a duty not exceeding 4s. 9d. per gallon; Provided that such edible oil shall be accompanied by such evidence of origin as may be prescribed by the Governor in Privy Council from time to time.

- (b) On all other edible oil a duty not exceeding 6s. 9d. per gallon.

All the provisions of the Tariff Law or Laws and of the rules and regulations made thereunder for the time being in force in this Island shall apply to any duty on edible oil imposed by Proclamation as aforesaid in so far as the same are applicable.

### PART 3.

#### THE EXCISE DUTY ON EDIBLE OILS.

14—In this Law unless the context requires a different Definitions construction—

The “Collector” shall mean and include the Collector Collector. of Taxes and the Assistant Collector of Taxes for the parish or district in which an edible oil manufactory is situated, and any person authorised in writing by the Collector General to visit and inspect edible oil manufactories:

“Edible Oil Manufacturer” shall mean and include Edible oil manufacturer. every person beneficially interested in or directing the manufacture of edible oil: Provided, that when there is more than one such person so concerned in such manufacture, the discharge by any one of such persons of any obligation imposed on them by this part of this Law shall relieve the others of them of that particular obligation.

15—From and after the coming into operation of this part of this Law there shall be raised and paid for the use of the Government a duty upon all edible oil manufactured in this Island at the rate of nine pence per gallon of such oil Duty on edible oil manufactured in Jamaica.



and such duty shall be ascertained and collected in manner hereinafter provided.

License Duty on  
each edible oil  
manufactory.

16—No person shall, after the coming into operation of this part of this Law, engage in the business of manufacturing edible oil in this Island, unless such person shall in respect of each manufactory pay a license-duty of One Pound per annum.

Application for  
License.

17—Every edible oil manufacturer shall within 10 days after the commencement of this part of this Law, and every person who intends to become an edible oil manufacturer shall before commencing such business, apply to the Collector for a license and pay the duty thereon, whereupon the Collector shall issue a license.

Penalty for  
manufacturing  
edible oil with-  
out License.

Any person who shall after the coming into operation of this part of this Law, engage in the manufacture of edible oil without obtaining a license as herein provided, or in a place other than that stated in the license, shall on conviction be liable to a penalty not exceeding Fifty Pounds.

License period.

18—All licenses under this part of this Law shall be for the period from the 1st April in the one year to the 31st March, in the succeeding year.

Provided, that if any person shall commence business after the 1st day of April in any year, he shall pay the duty or proportion of duty, for so many quarters of a year (the fractional part of a quarter being reckoned as a quarter) as shall remain of the current licensing year; Provided further that no person shall be deemed to commence business who has had a license in the same parish during the preceding year.

Ingiving.

19—Every edible oil manufacturer shall, within 10 days after the coming into operation of this part of this Law or before commencing business make a statutory declaration before a Justice of the Peace or the Collector, containing a true and particular account of any premises, house and building, place or yard, used or to be used for the purpose of manufacturing or storing edible oil, and the names of the persons carrying on the manufactory, and of

the person in charge of the manufactory, and any person who shall fail to make the ingiving herein prescribed, or who shall make use of any other premises, house, building, place or yard for the purpose of manufacturing, or assisting in the manufacture, or in the storing of edible oil shall be liable to a penalty not exceeding Twenty Pounds. Every statutory declaration shall be delivered to the Collector within ten days after the coming into operation of this part of this Law, or before the declarant begins business: Provided always, that every edible oil manufacturer shall notify the Collector within ten days of any change in the persons carrying on the manufactory or in the person in charge of the same, and no premises, house, building, place or yard shall be used for the manufacture or storing of edible oil without the same being first notified in writing to the Collector. Penalty.

20—There shall be at least one approved store attached to or in connection with every edible oil manufactory. This store shall be used solely for storing edible oil manufactured in that manufactory, and all edible oil shall immediately upon its manufacture be conveyed to the store. Store for edible oil manufactured

Edible oil found in any part of the licensed premises other than the approved store shall be liable to forfeiture and may be seized by the Collector.

If after any such store has been approved it shall in the opinion of the Collector become insecure, he shall give notice in writing to the person in charge of the manufactory specifying the nature of the insecurity, and if after the expiration of two months from the date of such notice the store has not been made secure and again approved by the Collector it shall cease to be an approved store.

21—Every edible oil manufacturer shall keep and write up daily a book showing the quantity of edible oil manufactured and disposed of in detail according to a form to be prescribed by the Governor in Privy Council. This book shall be kept in an accessible place in the edible oil manufactory and be open to examination by the Collector on the occasion of his visits, and the daily entry shall be Manufacturer to keep book showing quantity of edible oil manufactured and disposed of.



signed each day by the manufacturer or person in charge of the manufactory. In the event of no edible oil being manufactured on any day an entry to that effect duly signed shall be made.

Manufacturer to keep record of materials purchased or used.

22—Every edible oil manufacturer shall keep for the inspection of the Collector a record in a form to be prescribed by the Governor in Privy Council of the materials purchased or used by him in the manufacture of edible oil.

Monthly returns of edible oil manufactured.

23—Every edible oil manufacturer shall prepare a return and deliver the same to the Collector within ten days after the last day of each calendar month, showing the quantity of edible oil manufactured during the preceding month and the disposal thereof. This return shall be verified by the edible oil manufacturer by affidavit or statutory declaration before a Justice of the Peace or the Collector.

Payment of duty.

24—Every edible oil manufacturer shall upon the delivery of the return hereinbefore mentioned pay the prescribed duty upon all edible oil manufactured and sold or delivered or removed from the manufactory otherwise than to an approved edible oil store, or not accounted for to the satisfaction of the Collector.

Enforcement of duty.

25—Whenever any duty payable under this part of this Law shall not be forthwith paid, the Collector is hereby authorised to enforce payment under the Tax Collection Laws (32 of 1867 and 14 of 1869) or of any Laws passed in amendment thereof or substitution therefor in the same manner as he is thereby authorised to enforce payment of taxes in respect of which an ingiving had been made, but which had not been paid.

Penalties.

26—Every edible oil manufacturer who shall neglect to keep the book hereinbefore required in the manufactory and accessible to the Collector, or who shall omit to make the daily entries therein, or to sign them, or who shall make any false statement in the ingiving under Section 19 hereof, or who shall fail to notify any change under the said section,

or who shall make a false entry therein, shall on conviction be liable to a penalty not exceeding twenty pounds.

27—If any edible oil shall be exported out of this Island, or shall be destroyed by fire, or other accident, whilst in any manufactory, or in any approved edible oil store, the Revenue Commissioner shall, on proof to his satisfaction of such exportation, or destruction, remit the duty on such edible oil.

Remission of duty on edible oil exported or destroyed.

28—Any edible oil manufacturer, who has manufactured, or who shall manufacture, any edible oil in this Island, (whether such edible oil shall have been removed from his edible oil manufactory or not) may, with the approval of the Collector and subject to such restriction, conditions and regulations, if any, as the Revenue Commissioner may from time to time impose for the protection of the Revenue, recast, or remanufacture any such edible oil for the purpose of improving, or altering the quality, perfume, colour, grade or class of such edible oil; and in such case, the excise duty payable upon such edible oil shall be remitted, or, if already paid, shall be deducted from the duties payable upon any improved or altered edible oil manufactured therewith, in such manner as the Revenue Commissioner may approve.

Re-manufacture, etc., of edible oil.

29—Duties upon edible oil shall be a charge upon the premises of the manufactory whereon the edible oil was manufactured, from the time when such edible oil was made, and upon all personal property found thereon at any time, and against all goods and chattels belonging to or in the possession of any person liable for such duties, until all such duties shall have been paid and satisfied, or be otherwise discharged and accounted for under the provisions of this part of this Law, notwithstanding proceedings shall have been taken for any penalty under this part of this Law in respect to such duties.

Security for duties.

30—The Collector may during the hours of daylight enter any premises, house, building, place or yard specified in the declaration and notice required by Section 20 hereof

Entry and inspection of edible oil manufactory.



and may inspect any of the materials vessels machinery or things used in the manufacture of edible oil, and may take an account of the amount of edible oil on hand, and any edible oil manufacturer who fails or whose employees fail to afford the Collector reasonable facilities for the discharge of the duties hereby required, shall be liable to a penalty not exceeding twenty pounds.

**Search warrant.**

31—When any Revenue Officer by affidavit satisfies any Justice of the Peace that he has reasonable cause to suspect the existence on any unlicensed premises of any edible oil manufactory or any edible oil on which duty has not been paid, such Justice may issue a warrant for the search of such premises directed to such Revenue Officer, either solely, or with others, and it shall be lawful for such officer and all others authorised by such warrant, being furnished therewith, to enter if necessary by force and search such premises at any hour of the day or night, and to remove all articles used for the manufacture of edible oil, and all manufactured edible oil on which duty has not been paid.

**Manufacturer responsible for acts of employees.**

32—Every edible oil manufacturer shall be responsible for any act of any employee in contravention of this part of this Law, or any failure to comply with its provisions on the part of such employee.

**General penalties.**

33—Any person offending against the provisions of the part of this Law, or of any rules made under this Law in respect of which no penalty is prescribed, shall on conviction be liable to a penalty not exceeding ten pounds.

**Recovery and application of penalties.**

34—Subject to the provisions of Section 13 of this Law penalties imposed under this Law may be recovered before a Court of Summary Jurisdiction, and in default of payment the Court may order the offender, in the case of a fine of twenty pounds or upwards, to be imprisoned, with or without hard labour, for any period not exceeding three months, and in all other cases, to be imprisoned, with or without hard labour, for any period not exceeding thirty days.

35—The provisions of this part of this Law shall not apply to edible oil manufactured in this Island in the manufacture of which power is supplied only by human labour and where such edible oil is manufactured by any firm person company or corporation in quantities not exceeding ten gallons in each calendar month. The onus of proving that such edible oil is manufactured as aforesaid both as to method of manufacture and as to quantity manufactured shall lie on the person firm company or corporation claiming exemption from duty upon such edible oil under this section. Exemptions.

36—This Law shall not come into operation unless and until the Governor notifies by Proclamation published in the Gazette that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation on such day as the Governor shall notify by the same or any other Proclamation. Coming into operation of Law.

37—This Law may be cited as the Coconut Industry Aid Law, 1931. Short Title.





JAMAICA.

No. 24—1931.

I assent.

[L.S.]

R. E. STUBBS,

*Governor.*

21st August, 1931.

A LAW in Further Aid of the Canada-West Indies  
Hotels Company, Limited.

[25th August, 1931.]

WHEREAS by virtue of the Canada-West Indies Preamble.  
Hotels Company, Limited, Debenture Law, 1928  
(Law 12 of 1928) the Governor guaranteed to the  
holders thereof the payment of the principal of the Thirty  
Year Gold Debentures issued by the Canada-West Indies  
Hotels Company, Limited, a corporation duly incorpora-  
ted under the Laws of the Dominion of Canada, and  
having its Head Office in the city of Montreal, in the  
sum of forty thousand pounds with interest thereon pay-  
able half-yearly at a rate not exceeding five pounds per  
centum per annum which said guarantee was secured to  
the Colonial Secretary on behalf of the Government by  
a mortgage on the said lands and hereditaments described  
in the schedule to the said Law, part of Constant Spring  
Hotel:



And whereas the Canada-West Indies Hotels Company, Limited has erected an hotel at Constant Spring aforesaid and has authorised a further issue of guaranteed five per cent. Thirty Year Gold Debentures of an aggregate principal amount of fifteen thousand pounds, and has requested the Government of Jamaica to guarantee the payment of the principal and interest of such debentures, and in consideration of such guarantee has agreed to execute in favour of the Government of this Island a further mortgage over the lands and hereditaments described in the schedule to Law 12 of 1928:

And whereas it is desirable further to foster the objects of the Canada-West Indies Hotels Company, Limited, and to give the said guarantee for the consideration aforesaid:

Be it enacted by the Governor and Legislative Council of Jamaica as follows:—

**Construction.**

1—This Law shall be read and construed with the Canada-West Indies Hotels Company, Limited, Debenture Law, 1928 (Law 12 of 1928) hereinafter referred to as the principal Law.

**Interpretation.**

2—In this Law, unless the context requires a different construction, “the Company” means the Canada-West Indies Hotels Company, Limited.

**Power of Governor under certain conditions.**

3—(1) Subject to the conditions hereinafter set out, the Governor is hereby empowered—

- (a) to guarantee to the holders thereof the payment of the principal of the Thirty Year Gold Debentures issued or to be issued by the Company to an aggregate amount not exceeding fifteen thousand pounds, and also interest thereon payable half-yearly at a rate not exceeding five pounds per centum per annum:
- (b) to authorise the Colonial Secretary to execute on behalf of the Government an agreement between the Company and the Government in such form and containing such provisions for

the completion of erection and maintenance and equipment by the Company of an hotel on the lands described in the schedule to the principal Law and/or such other provisions as the Governor in Privy Council may determine to make binding and effective the guarantee hereinafter empowered to be given, and the several obligations of the parties thereto:

- (c) to authorise the Colonial Secretary on behalf of the Government to execute upon each one of the Thirty Year Gold Debentures from time to time issued by the Company to the aggregate amount not exceeding fifteen thousand pounds, a guarantee in such form and containing such provisions as the Governor and the Company may determine unconditionally guaranteeing payment of the principal and interest of any such Debentures according to the tenor thereof and of the interest coupons appertaining thereto:
- (d) in accordance with the terms and provisions of any agreement so executed and guarantee so given, and as and when any obligation may arise thereunder, to make payment of any principal sum or interest due upon any such debenture or interest coupon appertaining thereto and to authorise the Treasurer to pay out of the Treasury such sum or sums of money due to be paid.

The conditions hereinbefore referred to are the following:—

- (i) The Company shall execute to the Colonial Secretary on behalf of the Government, a further mortgage of the lands and hereditaments described in the schedule to the principal Law together with the buildings, structures, fixtures and appurtenances already erected and/or to be erected thereon, and all the furniture, equipment and personal effects to be used and employed therein for securing repayment to the Govern-



ment of any sums of money which the Government may at any time be called upon to pay under the guarantee hereinbefore mentioned which said further mortgage shall rank in priority to all other mortgages on the said lands, hereditaments, buildings, structures, fixtures and appurtenances, and all the said furniture, equipment and personal effects, save and except the mortgage of forty thousand pounds provided for in the said Law 12 of 1928.

- (ii) The Company shall make proper provision to the satisfaction of the Governor in Privy Council for the creation and maintenance of an Interest and Redemption Fund for payment of the interest on and redemption of the debentures to be guaranteed by the Government.

(2) Any sums of money payable under the guarantee hereinbefore mentioned, shall be guaranteed by the general revenue and assets of the Colony.

Further  
mortgage  
priority of.

4—Upon execution of the further mortgage mentioned in the foregoing conditions, such mortgage shall rank in priority to all other mortgages on the said lands, hereditaments, buildings, structures, fixtures and appurtenances and all the said furniture, equipment and personal effects and to any other liens or securities thereon save and except the mortgage of forty thousand pounds provided for in the principal Law.

Short Title.

5—This Law may be cited as the Canada-West Indies Hotels Company, Limited, Further Debenture Law, 1931.

JAMAICA.

No. 25—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

24th December 1931.

A LAW to regulate the Manufacture of Rum in this Island.

[The day of the date of any Proclamation notifying that  
His Majesty will not exercise his powers of disallowance.]

WHEREAS it is desirable that the production of Rum Preamble.  
in this Island shall be restricted as hereinafter  
mentioned:

Be it enacted by the Governor and Legislative Council  
of Jamaica:—

1—This Law may be cited as the “The Rum Regula- Short Title.  
tion Law 1931.”

2—In this Law unless the context otherwise requires Interpretation.  
the following words and phrases have the following  
meanings:—

“Alcohol” means and includes every liquid which shall  
contain alcohol and shall have the strength of proof 40° or  
more over proof as ascertained by the instrument known  
as Sykes’ Hydrometer.



“Rum” means and includes alcohol (except alcohol denatured for purposes other than human consumption) and also any liquid falling within the definition of Rum contained in the Rum Duty Law (Law 10 of 1878) which is required by the provisions of the said Law to be conveyed to a Registered Store immediately upon its manufacture.

“Imperial Gallon of Rum” means a liquid Imperial Gallon of Rum of a strength of proof not exceeding 40° over proof as ascertained by the instrument known as Sykes’ Hydrometer or such less quantity of Rum of a strength of proof exceeding 40° over proof ascertained as aforesaid which when diluted would produce a liquid Imperial Gallon of Rum of a strength of proof not exceeding 40° over proof ascertained as aforesaid.

“Approved Manufacturer” means a person, firm or Company, manufacturing Rum and whose name appears in the First Schedule to this Law, or a person to whom a license is granted under Section 10 of this Law, and includes the Attorney, Agent or Trustee of any such person, firm or Company.

“The Triennial period” means the three years of 12 months each computed from the first day of December 1928.

Limitation of  
manufacture.

3—No person other than an approved manufacturer shall manufacture Rum in this Island during the continuance of this Law.

Limitation as to  
place of man-  
ufacture and  
amount of Rum  
to be  
manufactured.

4—Subject to the right of assignment conferred by section 5 of this Law no approved manufacturer shall

(a) Manufacture Rum at any place other than at the place or places set opposite his name in the First Schedule to this Law.

(b) Manufacture more Imperial Gallons of Rum than would be equivalent to one-half of the average annual number of Imperial Gallons of Rum manufactured at the place or places set opposite his name in the said First Schedule during the triennial period.

5—(1) Nothing in this Law contained shall prevent an approved manufacturer from assigning to any other approved manufacturer his right to manufacture the whole or any part of the quantity of Rum which he would be entitled to manufacture under this Law and any such assignment shall confer on the assignee the right to manufacture the quantity of Rum thereby assigned.

Right to assign.

(2) Such assignment shall be in the form set out in the Second Schedule to this Law, shall be exempt from Stamp Duty, and notice thereof shall be given to the Collector General within 10 days of the execution thereof.

6—(1) Any person who shall by himself his servants or Agents manufacture or aid or abet or be concerned in the manufacture in this Island of any Rum contrary to the provisions of this Law shall be guilty of an offence against this Law and shall on conviction be liable to a penalty of £100 and in default of payment of the penalty imposed to imprisonment with or without hard labour for three months.

Offences.

(2) In any proceedings under this section after it shall have been proved that any person shall by himself his servants or agents have manufactured or aided or abetted or been concerned in the manufacture in this Island of any Rum the onus of proof that the Rum so manufactured has been lawfully manufactured shall be upon the person charged.

7—Any Rum manufactured in this Island contrary to the provisions of this Law may be seized and forfeited in such manner as any Rum liable to seizure and forfeiture under the Rum Duty Law (Law 10 of 1878) may be seized and forfeited; Provided that when any such Rum shall be seized and forfeited the same shall be destroyed or otherwise disposed of as the Governor may direct.

Forfeiture on contravention.

8—The Certificate of the Collector General of Jamaica as to the number of Imperial Gallons of Rum that a manufacturer shall be entitled to manufacture shall be final and conclusive evidence thereof, and the Collector General of Jamaica shall on a written request furnish to

Certificate of Collector General.



such manufacturer his Certificate as to the number of Imperial Gallons of Rum such manufacturer is entitled to manufacture under this Law.

Governor may  
fix maximum  
retail and  
wholesale  
prices.

9—(a) It shall be lawful for the Governor from time to time by Order to be published in the Jamaica Gazette to fix the maximum retail and wholesale prices in Jamaica for any or all of the various grades of Rum and the Governor may by like Order vary and/or revoke any such Order previously made.

(b) Any person selling Rum in excess of such maximum price so fixed as aforesaid shall on conviction be liable to a penalty of £100 for each such offence and in default of payment of the penalty imposed to imprisonment with or without hard labour for three months.

Governor may  
issue License to  
manufacturer.

10—The Governor shall have the right to grant a License to any person, firm or Company not named in the First Schedule to this Law to manufacture Rum in such quantity and at such place as may be specified in such License and upon the issue of such License such person, firm or Company shall be deemed to be an approved manufacturer under this Law.

Regulations.

11—It shall be lawful for the Governor in Privy Council to make regulations from time to time for the more effective carrying out of the provisions of this Law.

Trial of offence

12—Any offence under this Law shall be tried summarily before a Resident Magistrate and the offence shall be deemed to have been committed in any Parish in which the offender resides or carries on business and the complaint or information relating to any such offence may be made or laid at any time within two years from the time when the matter of such complaint or information arose.

Requirements  
and proceedings  
in actions, etc.

13—The provisions of section 87 of the Rum Duty Law (Law 10 of 1878) relating to any action or prosecution against any person for anything done in pursuance or execution or intended execution of that Law shall apply to

any action or prosecution against any person for anything done in pursuance or execution or intended execution of this Law.

14—This Law shall not come into operation unless and until the Governor notifies by proclamation, published in the Gazette that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation on such day as the Governor shall notify by the same or any other proclamation and shall remain in operation until the thirtieth day of November one thousand nine hundred and thirty-two.

Commencement  
and duration.



## THE FIRST SCHEDULE.

Manufacturer.	Place at which manufacturer is entitled to manufacture Rum.
Harold V. Lindo	.. Bybrook also known as United Estates
Caymanas Estates Ltd.	.. Caymanas Estates
A. Maxwell Pawsey	.. Bog Estate
A. J. Grinan	.. Sevens Estate also known as Mercedes Factory
C. S. Farquharson	.. Friendship Estate
W. N. C. Farquharson	.. Holland Estate
Edward Morris	.. Shrewsbury Estate
Edward Morris	.. Bluecastle Estate
Fred H. Farquharson	.. Retreat Estate
F. M. Kerr-Jarrett	.. The Barnett Estates
H. R. Milliner	.. Cambridge Estate
Stewart Castle Ltd.	.. Georgia Estate
Dewar and Muschett	.. Kew Estate
Dewar and Muschett	.. Vale Royal Estate
George A. Dougall (Trustee)	.. Richmond Estate
Sylvester Cotter	.. Llandovery Estate
A. M. Henderson	.. Rose Hall Estate
R. B. Daly, W. G. Hendriks and W. N. C. Farquharson	.. Raheen Estate
Grays Inn Central Factory Ltd.	.. Grays Inn Estate
Alex. W. Gordon	.. Bryan Castle Estate
Fred. L. Clarke	.. Worthy Park Estate
Gug. Æ. Irving	.. Ironshore Estate
F. H. Farquharson (Attorney)	.. Mint Estate
Henry W. Holgate	.. Serge Island Estate
Jamaica Sugar Estates Ltd.	.. Jamaica Sugar Estates also known as Duckenfield Factory
United Fruit Co.	.. Bernard Lodge and Moneymusk
Appleton Central Ltd.	.. Appleton Estate
Barclays Bank (DC&O)	.. Masemure
Barclays Bank (DC&O) (Receiver of Charley Estates)	.. Prospect and Frome
Edwin Charley	.. Innswood Estate
Sherriff & Co. Jamaica Ltd.	.. Long Pond
W. Woolliscroft	.. Green Park Estate
D. O. Kelly Lawson	.. Hampden Estate
G. W. W. Muirhead	.. Denbigh Estate.
J. H. Parkin	.. Anchovy Estate

THE SECOND SCHEDULE.

ASSIGNMENT UNDER THE RUM REGULATION LAW, 1931.

I.....an approved manu-  
facturer of Rum under the above Law on.....  
Estate hereby assign to.....  
of.....Estate also an approved  
manufacturer of Rum under the said Law the right to manufacture  
.....Imperial gallons of  
Rum on.....Estate.  
Dated this.....day of.....193...





No. 26—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

4th January, 1932.

A LAW to amend the War Expenses (Jamaica Contribution) Law, 1921.

[7th January, 1932.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law shall be read and construed with the War Expenses (Jamaica Contribution) Law, 1921 (Law 4 of 1921) hereinafter referred to as the principal Law.

*Construction.*

2—Notwithstanding anything to the contrary in section 2 of the principal Law contained it shall not be obligatory on the Treasurer to pay to the Lords Commissioners of His Majesty's Treasury or to any person nominated by them and approved as in the said section mentioned, the sum of sixty thousand pounds during the year 1931-1932. Such payment is hereby suspended for that year. Payments under the principal Law shall be resumed in the following

*Suspension of one year's payment under principal Law.*



year and continued until payment of the full sum has been made in accordance with the provisions of the principal Law.

Short Title.

3—This Law may be cited as the War Expenses (Jamaica Contribution) Amendment Law, 1931.

No. 27—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

4th January, 1932.

A LAW to amend the Customs Consolidation  
Law, 1877.

[7th January, 1932.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—This Law may be cited as the Customs Consolidation (Amendment) Law, 1931 and the Customs Consolidation Law 1877 (hereinafter called the principal Law), a Law to amend the Customs Consolidation Law 18 of 1877 (Law 22 of 1881), the Customs Consolidation Law Amendment Law 1882, the Customs Consolidation Law 1877 Amendment Law 1885, the Customs Consolidation Law 1877, Amendment Law 1906, the Customs Consolidation Amendment Law 1911, the Customs Consolidation Further Amendment Law 1912, the Customs Consolidation Amendment Law 1914, the Customs (Exportation Restriction) Law 1915, the Customs (Importation Prohibition) Law 1916, the Customs Consolidation Amendment Law 1916 and this Law shall be read and construed as one and may together be cited as the Customs Consolidation Laws 1877 to 1931.

Short Title and  
Construction.



Amendment of  
Law 18 of 1877.

2—Section 153 of the Principal Law is hereby amended by the deletion of the following words which occur in the fifth, sixth, and seventh lines of the section.

“Provided such officers shall have good reason to suppose that such person has any uncustomed or prohibited goods about his person.”

3—Section 154 of the Principal Law is hereby repealed and the following section substituted therefor—

“154—(1) No officer searching any person or requiring any person to be searched shall be deemed a trespasser or be liable in damages by reason of such search or requirement unless the same was made or required solely from malicious motives.

(2) No female person shall be searched except by a female.”

JAMAICA.

No. 28--1931.

I assent,

[L.S.]

R. E. STUBBS,  
*Governor.*

4th January, 1932.

A LAW to amend a Law entitled "An Act to amend  
the Criminal Law."

[7th January, 1932.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1. This Law may be cited as the Criminal Law Further Short Title.  
Amendment Law, 1931.
2. Section 20 of the Law entitled "An Act to amend  
the Criminal Law" (1 Vict. c. 28) is hereby repealed. Repeal of  
Section 20 of 1  
Vic. c. 28.





No. 29----1931,

I assent,

[L.S.]

R. E. STUBBS,  
*Governor.*

4th January, 1932.

A LAW to amend the Bankruptcy Laws.

[7th January, 1932.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Bankruptcy (Amendment) Law 1931, and A Law relating to Bankruptcy, of 1871, The Bankruptcy Jurisdiction Amendment Law 1877, The Bankruptcy Law 1879 (in this Law referred to as the principal Law), A Law to amend the Bankruptcy Law 1879 (Law 21 of 1882), The Bankruptcy Law 1879 Amendment Law 1885, The Bankruptcy Law 1879 Amendment Law 1888, The Bankruptcy Laws Further Amendment Law 1892, The Bankruptcy Unclaimed Estates Law 1894, A Law further to amend Law 33 of 1879 entitled The Bankruptcy Law 1879 (Law 38 of 1911), A Law to amend Law 38 of 1911 entitled “A Law further to amend

Short Title and  
Construction.



Law 33 of 1879, entitled the Bankruptcy Law 1879" (Law 21 of 1912), The Bankruptcy Amendment Law 1916, The Bankruptcy Amendment Law 1923 and this Law shall be read and construed as one and may together be cited as the Bankruptcy Laws 1871 to 1931.

Amendment of  
the principal  
Law.

2—The principal Law is hereby amended as follows:—

- (1) Section 4. After the definition of "Creditors" and before the definition of "Person" contained in the section the following definition shall be inserted:—

"Debtor" includes any person, whether a British subject or not, who at the time when any act of bankruptcy was done or suffered by him—

- (a) was personally present in Jamaica, or
- (b) ordinarily resided or had a place of residence in Jamaica, or
- (c) was carrying on business in Jamaica, personally or by means of an agent or manager, or
- (d) was a member of a firm or partnership which carried on business in Jamaica."

- (2) Section 8. To the proviso at the end of the section there shall be added the following paragraph:—

"(d) That where any debtor is absent from the Island any act done or suffered by any agent or manager of the debtor managing any property or engaged in carrying on any business of the debtor in Jamaica which if such agent or manager were the owner of the property or business would have constituted an act of bankruptcy available against such person shall in all cases be deemed to have been expressly authorised by the debtor and shall be

available as an act of bankruptcy against the debtor unless the authority of the agent or manager shall be shown to have been exceeded."

- (3) Section 55. To the section the following sub-section shall be added:—

"(iii) For the purposes of this section a person shall be deemed not to have kept proper books of account if he has not kept such books or accounts as are necessary to exhibit or explain his transactions and financial position in his trade or business including a book or books containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealings in goods, also accounts of all goods sold and purchased respectively and statements of annual stock-takings."

3—Section 4 (4) of the Bankruptcy Laws Further Amendment of Law 1892 (Law 24 of 1892) is hereby amended by the deletion of paragraph (m) thereof and by the substitution therefor of the following paragraph:—

"(m) That the debtor has carried on trade by means of fictitious capital or by means of money raised or obtained at excessive rates of interest or under any plan or scheme involving the payment of excessive interest, fines, premiums, commissions or bonus."

4—(1) Where a debt has been proved and the debt includes interest or any pecuniary consideration in lieu of interest, or in the nature of premiums, fines, bonus or commissions, such interest or consideration shall, for the purpose of dividend, be calculated at a rate not exceeding six per cent. per annum, without prejudice to the right of a creditor to receive out of the estate any higher rate of

Amendment of  
Law 24 of 1892.

Interests on  
debts.



interest to which he may be entitled after all the debts proved in the estate have been paid in full.

(2) In dealing with the proof of the debt the following rules shall be observed:—

- (a) Any account settled between the debtor and the creditor within three years preceding the date of the provisional order may be examined, and, if it appears that the settlement of the account forms substantially one transaction with any debt alleged to be due out of the debtor's estate (whether in the form of renewal of a loan or capitalisation of interest or ascertainment of loans or otherwise), the account may be reopened and the whole transaction treated as one.
- (b) Any payments made by the debtor to the creditor before the provisional order whether by way of bonus, premium, fines, commissions, or otherwise, and any sums received by the creditor before the provisional order from the realisation of any security for the debt, shall, notwithstanding any agreement to the contrary, be appropriated in the first place to the satisfaction of interest at a rate not exceeding six per cent. per annum as in this section previously provided, and thereafter to the satisfaction of the principal.
- (c) Where the debt due is secured and the security is realised after the provisional order, or the value thereof is assessed in the proof, the amount realised or assessed shall be appropriated in the first place to the satisfaction of interest at a rate not exceeding six per cent. per annum as in this section previously provided, and thereafter to the satisfaction of the principal.

5—(1) Where a married woman has been adjudged bankrupt, her husband shall not be entitled to claim any dividend as a creditor in respect of any money or other estate lent or entrusted by him to his wife for the purposes of her trade or business until all claims of the other creditors of his wife for valuable consideration in money or money's worth have been satisfied.

Postponement  
of husband's  
and wife's claim.

(2) Where the husband of a married woman has been adjudged bankrupt, any money or other estate of such woman lent or entrusted by her to her husband for the purpose of any trade or business carried on by him or otherwise, shall be treated as assets of his estate, and the wife shall not be entitled to claim any dividend as a creditor in respect of any such money or other estate until all claims of the other creditors of her husband for valuable consideration in money or money's worth have been satisfied.

6—Section 4 of The Married Woman's Property Law, Repeal.  
Law 21 of 1886, is hereby repealed.





No. 30—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

4th January, 1932.

A LAW to validate the proceedings of the Legislative Board of the Turks and Caicos Islands.

[The day of the date of any Proclamation notifying that  
His Majesty will not exercise his powers of disallowance.]

**W**HEREAS by an order in Council made the fourth day of August eighteen hundred and seventy-three by Her late Majesty Queen Victoria (in this Law referred to as "the Order") it is, inter alia, provided that there shall be constituted at the Turks and Caicos Islands a Board to be called "The Legislative Board of the Turks and Caicos Islands" (in this Law referred to as "the Board") and that the Board shall, subject to the provisions of the Order, have all the powers, jurisdiction and authority hitherto possessed by and vested in the Legislative Council of the Turks and Caicos Islands and that the Board shall consist of not less than four and not more than six persons and that the Judge of the Supreme Court and the Commissioner shall be, by virtue of their offices, members of the Board: Preamble.

And whereas by the Order the Governor of Jamaica is empowered by warrant or warrants under the Seal of the



colony of Jamaica from time to time to appoint such persons resident in the Turks and Caicos Islands as he may think fit to be (altogether with the Commissioner and Judge of the Supreme Court) members of the Board:

And whereas by the Order it is declared lawful for the Legislature of Jamaica from time to time to repeal or alter any of the provisions of the Order:

And whereas by "The Turks and Caicos Islands Legislative Board, Appointment Law" (Law 38 of 1906) the Legislature of Jamaica limited the duration of every appointment to the Board to the period of three years to be counted from the date of every such appointment and declared that at the termination of the period aforesaid, in the absence of any re-appointment by the Governor, the seat of the member shall forthwith become vacant:

And whereas on the fourth day of August, nineteen hundred and twenty-six the Governor by warrant under the Seal of the colony of Jamaica appointed Thomas Griffith Southby to be a member of the Board so long as he should act in the office of Assistant Commissioner of the Turks and Caicos Islands:

And whereas the said Thomas Griffith Southby on his appointment aforesaid acted as a member of the Board, took part in its proceedings and voted at its meetings:

And whereas the said Thomas Griffith Southby ceased to act in the said office on the seventh day of May nineteen hundred and twenty-seven but has nevertheless continued to act as a member of the Board, to take part in its proceedings and to vote at its meetings:

And whereas having regard to the terms of the Turks and Caicos Islands Legislative Board, Appointment Law 1906, doubts have arisen as to the validity of the aforesaid appointment of the said Thomas Griffith Southby and as to the validity of the constitution of the Board and of its proceedings, acts, ordinances, rules, orders, and other statutory enactments, taken, done, enacted, ordained or made while constituted as aforesaid: And whereas it is expedient to remove such doubts:

Be it therefore enacted by the Governor and Legislative Council of Jamaica as follows:

1—This Law may be cited as the Turks and Caicos Islands Legislative Board Validation Law, 1931. Short Title.

2—The aforesaid appointment of the said Thomas Griffith Southby to the Board shall be deemed to have been duly and validly made and the Board shall be deemed to have been at all times duly and validly constituted and all proceedings and acts of the Board taken and done prior to the commencement of this Law and all ordinances, rules, orders, and other statutory enactments, enacted, ordained or made by the Board are hereby declared to have been validly taken, done, enacted, ordained and made and to be as good, valid and effectual to all intents and purposes whatsoever as if all the requirements of the Turks and Caicos Islands Legislative Board, Appointment Law 1906 (Law 38 of 1906) had been strictly observed and followed. Validation of proceedings.

3—This Law shall not come into operation unless and until the Governor notifies by proclamation in the Jamaica Gazette that it is His Majesty's pleasure not to disallow the same, and thereafter it shall come into operation on such day as the Governor shall notify by the same or any other proclamation. Coming into operation.





No. 31--1931.

I assent,

[L S ]

R. E. STUBBS,

*Governor.*

4th January, 1932.

A LAW to validate the acts and proceedings of the  
Central Board of Health.

[7th January, 1932.]

WHEREAS by the Public Health Law 1925 (in this Preamble.  
Law referred to as the Principal Law) the Governor is empowered to appoint a Central Board of Health for the Colony (in this Law referred to as "the Board") to consist of seven members whereof the Superintending Medical Officer shall be ex-officio chairman and it is by the Principal Law declared that the several member so appointed shall hold office for a period of three years:

And whereas in virtue of the Principal Law the Governor appointed the persons whose names are set forth in the schedule to this Law to be the chairman and members of the Board respectively:

And whereas the several appointments on the Board of the said several persons terminated on the dates set opposite their names in the said schedule:



And whereas notwithstanding the determination of the said several appointments as aforesaid the said several persons have continued to act as chairman and members of the Board respectively and as such chairman and members to take part in the proceedings of the Board and to make rules, by-laws, orders and to exercise the several powers and authorities vested in the Board in virtue of the Principal Law:

And whereas doubts have arisen as to the validity of the proceedings of the Board and of the rules, by-laws, orders, exercise of powers and acts of authority made, exercised or performed by the Board while irregularly constituted as aforesaid and whereas it is expedient to remove such doubts:

Be it therefore enacted by the Governor and Legislative Council of Jamaica as follows:—

Short Title.

1—This Law may be cited as the Central Board of Health Validation Law, 1931.

Validation and indemnity.

2—All rules, by-laws, orders, powers and acts of authority made, exercised or performed by the Central Board of Health, in pursuance of the provisions of the Principal Law, on and after the twenty-ninth day of January one thousand nine hundred and twenty-nine and during the period when the Board was irregularly constituted as in the preamble to this Law recited, are hereby made and declared to be lawful and are confirmed as on and from the time of the making, exercise, performance, or approval by the appropriate authority thereof, as the case may be, and the said several persons mentioned in the schedule to this Law and any person acting under the direction of the Board are hereby freed, acquitted, discharged and indemnified as against all and every person and persons whomsoever, from all legal proceedings of any kind whatsoever, whether civil or criminal, in respect of any such rules, by-laws, orders, exercise of powers and acts of authority as aforesaid.

**SCHEDULE.**

<u>Name.</u>		<u>Date of termination of appointment on Board.</u>
Basil Mayor Wilson, Chairman.	..	29th January, 1929
Lawson Gifford, Member.	..	29th January, 1929
John Mapletoft Nethersole, Member.	..	29th January, 1929
David Jonathan Phillips, Member.	..	29th January, 1929
Stephen Lockett, Member.	..	29th January, 1929
Neville Roots, Member.	..	8th November, 1930





No. 32—1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

4th January, 1932.

A LAW relating to Children and Young Persons.

[7th January, 1932.]

**BE** it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Children and Young Short Title.  
Persons Law, 1931.

2—In this Law unless the context otherwise requires Interpretation.  
“Child” means a person under the age of fourteen years.

“Young person” means a person who is fourteen years of age and upwards and under the age of sixteen years.

“Court” means the Supreme Court or any Magisterial or Petty Sessions Court.

3—Where any offence is charged against any child in Power of Court to hear cases in camera.  
any Magisterial or Petty Sessions Court, the Court may order that the case against such child be heard in camera



and no person, other than officers of the Court, or parties to the case their Counsel or Solicitors, or persons otherwise directly concerned in the case, shall be allowed to remain in the Court during the hearing of the case except by permission of the Court.

Power to clear  
Court.

4—In addition, and without prejudice, to any powers which a Court may possess to hear proceedings in camera the Court may, where a person who, in the opinion of the Court, is a child or young person, is called as a witness in any proceedings in relation to an offence against, or any conduct contrary to decency or morality, direct that all or any persons, not being officers of the Court or parties to the case, their Counsel or Solicitors, or persons otherwise directly concerned in the case, be excluded from the Court during the taking of the evidence of the child or young person: Provided that nothing in this section contained shall authorise the exclusion of bona fide representatives of a newspaper.

Proviso.

Prohibition on  
children being  
present in Court  
during the trial  
of other persons.

5—No child (other than an infant in arms) shall be permitted to be present in Court during the trial of any person charged with an offence or during any proceedings preliminary thereto, and if so present he shall be ordered to be removed, unless he is the person charged with the alleged offence, or during such time as his presence is required as a witness or otherwise for the purposes of justice: Provided that this section shall not apply to messengers, clerks, and other persons required to attend at any Court for purposes connected with their employment.

Proviso.

Repeal.

6—The Trial of Children Law, 1927 (Law 25 of 1927) is hereby repealed.

No. 33--1931.

I assent,

[L.S.]

R. E. STUBBS,

*Governor.*

2nd February, 1931.

A LAW to Consolidate the Laws relating to Main  
Roads.

[11th February, 1932.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica, as follows:—

1—In the construction of this Law, and of the Lands  
Clauses Law, 1872, as hereinafter incorporated herewith,  
except where the context requires a different construction,  
the expression—

Definitions.

s. 3 of 41 of

1887

s. 1 of 18 of 1897

“The promoters” means the Director of Public Works;

“The undertaking” and “the works” include the  
laying out, making, repairing, widening, altering, deviat-  
ing, maintaining and managing, as well of the main roads  
under this Law as of any new line of road which the  
Governor may authorise the Director of Public Works to  
lay out and make, with a view to declaring the same a  
main road, and all structures, buildings and lands, apper-  
taining to any such main road or new line of road as afore-  
said, or authorized under this law to be acquired or  
constructed;



"Road" includes the roadway, the water tables, the bridges and fordings, on the line of the road, and the land on each side of the roadway and water tables up to the boundary of the road ;

The words "cultivated" and "uncultivated" and "ruinate" in connection with the word "land," shall be held to apply to the actual state or condition of each particular portion of any land acquired or entered upon under this Law, without reference to any other portion of the same land whether separated or not therefrom by any boundary or fence;

"House" means an inhabited dwelling-house rateable to the Parish General Rate;

"Carriage" includes carts, waggons, drays, wheeled carriages of every description, bicycles, tricycles, and other similar machines.

When and how and to what extent this Law may be made applicable to parochial roads  
s. 4 of 41 of 1887

2—It shall be lawful for the Governor from time to time by notice in the Gazette, to declare that he has charged the Director of Public Works with the laying out, making, repairing, widening, altering, deviating, maintaining or managing, of any parochial road, or of any new line of road which it is desired to lay out and make with a view to the same becoming a parochial road; and thereupon the Director of Public Works shall have the same powers and authority with respect to such parochial road, or proposed new line of road, as are conferred upon him by this or any other Law, with reference to any main road, or proposed new line of main road; and all the provisions of this Law, or of any other Law as aforesaid, shall thereupon apply to such parochial road, or proposed new line of parochial road, as if in each case the words "parochial road" were substituted for the words "main road."

#### *Main Roads Management.*

3—The lines of road set forth in the First Schedule to this Law are hereby declared to be main roads.

What are main roads.  
Schedule.  
s. 5 of 41 of 1887

4—(1) The Governor may from time to time by notice in the Jamaica Gazette—

Power to the Governor to declare other roads to be main roads.  
s. 6 of 41 of 1887

(a) add to the First Schedule any other road, or part of any other road, and declare such road or part of a road to be a main road, and

- (b) remove from the First Schedule any road, or part of any road, and declare that such road or part of a road has ceased to be a main road.

(2) Unless the road or part of a road so removed from the Schedule of Main Roads be forthwith taken over by the parochial authorities for parochial road purposes, all public rights of way thereover shall cease, and it shall be lawful for the Colonial Secretary to sell the same, giving to the owner of the adjoining land, or portion thereof, from which such road was originally taken, the first right of purchase.

5—Subject to the directions of the Governor, the laying out, making, repairing, widening, altering, deviating, maintaining, superintending and managing of main roads, and the control of the expenditure of all moneys allotted thereto, shall be vested in the Director of Public Works, with such permanent staff of engineers, superintendents and other subordinate officers as the Governor may from time to time appoint, and such temporary staff of superintendents and other subordinate officers as the Director of Public Works may from time to time appoint, all of whom shall be deemed to be officers of the Public Works Department within the meaning of any Law relating to the same.

Director of  
Public  
Works to  
manage main  
roads and the  
funds thereof.

s. 7 of 41 of 1887.

6—The property in the main roads, and in the land pertaining thereto, and in all the erections and buildings, mileposts, fences and other things, erected upon and provided for and upon such roads, with the conveniences and appurtenances thereto respectively belonging, and the materials of which the same consist, and the materials, tools and implements, provided for the repairing of the said roads, shall be vested in the Colonial Secretary of Jamaica for the time being, for the use of His Majesty the King, his heirs and successors, and in all legal proceedings it shall be sufficient to state generally such roads and things to be the property of His Majesty the King.]

Property in  
main roads,  
etc., vested in  
the Colonial  
Secretary of  
Jamaica.

s. 8 of 41 of 1887



Boundaries and widths of main roads.

s. 9 of 41 of 1887  
s. 1 of 19 of 1891  
s. 2 of 32 of 1911

7—The boundary of any main road shall be the fence running along it on either side and where there is no fence, the boundary shall be a line at all points twenty-five feet from the centre of the roadway measuring in a direction at right angles to the road.

Where no boundary fence exists.

s. 3 of 32 of 1911

8—On any portion of a main road, where no boundary fence exists, it shall not be lawful for any person to bring forward a fence, beyond the line of boundary on either side thereof and any fence so erected shall be deemed to be an encroachment on the main road within the meaning of section 21 of this Law.

When buildings deemed to be an encroachment on main road within meaning of section 21.

s. 4 of 32 of 1911

9—No person shall without the consent in writing of the Director of Public Works first had and obtained erect any building within five feet of the boundary of any main road, the width of which, measured in a direction at right angles to the centre line of the road, is twenty-five feet or less and any building erected without such consent shall be deemed to be an encroachment on a main road within the meaning of section 21 of this Law.

Ownership of dyewoods and fruit of trees within the lines of main roads.

s. 2 of 19 of 1891

10—All dyewood trees, and the produce of all fruit trees, growing or standing on any land being part of a main road shall be deemed to be the property of the owner or occupier of the adjacent land: Provided, however, that nothing herein contained shall prejudice the right of the Director of Public Works, or any officer of his Department charged with the management and care of any portion of a main road, in his discretion to fell or lop any tree as aforesaid that may in his judgment be prejudicial to the road, or to any telegraph line constructed along the same, or dangerous to persons using the road: Provided always that any tree so felled, and the loppings thereof, shall be deemed to be the property of the owner of the adjacent land.

Power to convey abandoned road to owner of land taken for new road in certain cases.

s. 12 of 41 of 1887

11—(1) When the owner of any land which it may be proposed to acquire, or enter upon, for the purpose of a new road, or alteration or widening of an existing road, is also the owner of any land through or adjoining which any road, or part of a road, passes as to which the Governor

proposes to declare that it shall cease to be a main road or part thereof, it shall be lawful for the Colonial Secretary, as soon as such declaration has been made as aforesaid, to convey to such owner, as aforesaid, in satisfaction or part satisfaction of the compensation payable in respect of the land proposed to be acquired or entered upon, the soil of the road or part of a road as to which such declaration has been made; and thereupon, in the assessment of compensation or damages payable as aforesaid, the value of the land so conveyed as aforesaid shall be taken into consideration, and shall be deducted from the compensation or damages that would otherwise be payable.

(2) The Director of Public Works may for a time divert the traffic from any road for the purpose of repairing, altering or improving the road.

12—The Director of Public Works may, for the purposes of any work authorized under the provisions of this Law, at any time lay down and use a tramway or tramways upon any main road: Provided always that such tramway shall be so laid and maintained as not to impede the ordinary traffic upon the road, and that it shall not be used except for the purpose aforesaid; and on the completion of the work for the purpose for which it was laid down, such tramway shall be removed, and the surface of the roadway restored to its proper condition.

Power to lay down and use temporary tramways.  
s. 13 of 41  
1887

13—(1) The Director of Public Works may at any time, if he shall see fit, grant permission to the owner or occupier of land adjoining any main road to erect or maintain a gate across such main road.

Power to permit gates across main roads.  
s. 14 of 41 of  
1887

(2) There shall not be less width than twelve feet between the gate posts of any such gate and in any such case the aforesaid owner or occupier shall, at his own expense, keep a watchman constantly near the gate whenever the same shall be shut, who shall open it when required by any person using the road.

(3) The Director of Public Works may at any time, when he so sees fit, revoke any such permission to erect or maintain a gate across any main road.



Powers to  
impound or  
destroy animals  
trespassing on  
main roads.  
s. 15 of 41 of  
1887

14—The Director of Public Works, or any person acting under his authority, or any constable, may impound any animal found straying on any main road, or tethered on a main road for grazing, and may destroy or cause to be destroyed any swine or goats found at large on any main road.

*Laying Out Roads—Proceedings.*

Power to enter  
on lands to  
survey for main  
road.  
s. 16 of 41 of  
1887

15—(1) When it is proposed to lay out a new main road or to divert part of an existing main road, the Director of Public Works may, by an order under his hand, authorize any officer of his Department, accompanied by such assistants as may be required, to enter at reasonable times upon any lands for the purpose of making such surveys as may be necessary to enable the said officers to make plans and sections of the proposed new road, or portion of road, and an estimate of the cost thereof.

(2) No officer or assistants shall enter upon lands under such authority until three days' notice in writing has been given to the occupier of the lands, or, in case the occupier is not known or cannot be found, has been posted up conspicuously on the land, except by consent of such occupier.

Procedure on  
laying out new  
road, or altering  
a main road.  
s. 17 of 41 of  
1887.

16—(1) When it is proposed to lay out a new main road, or to widen or divert part of an existing main road, the Director of Public Works shall cause a notice accompanied by a plan showing the proposed new road, or the portion of the road intended to be widened or diverted, and the lands through which it is to pass, to be deposited at the office of the Collector of Taxes of the parish in which the lands are situate.

(2) The Collector shall cause such notice and plan to be exhibited to any person who may require to examine them.

(3) The Director of Public Works shall advertise the deposit of the notice, and general purport thereof, in the Jamaica Gazette for three successive weeks.

(4) Any owner or occupier of lands through which the road is to pass who objects to the construction of the new road, or the widening or diversion proposed, may, within one month of the date of the first advertisement, deliver

to the Director of Public Works a statement in writing of his objection, and the grounds thereof; and the Director of Public Works shall consider and decide thereon, and determine the line of road or extent of diversion to be carried out, and shall thereupon notify the same by publication of Gazette notices for two successive weeks.

*The Taking of Lands.*

17—The Director of Public Works may purchase and take lands for the undertaking under the provisions of the Lands Clauses Law, 1872, subject to the following conditions:—

Powers and restrictions as to acquiring land for main road purposes.  
s. 18 of 41 of 1887.

The lands to be taken shall be for one or more of the following purposes:—

- (a) The laying out of a main road.
- (b) The altering of the course of a main road.
- (c) The widening of a main road.
- (d) The obtaining therefrom of materials for the construction or maintenance of a main road.
- (e) The obtaining access to lands taken for the purpose specified under head (d).
- (f) The depositing thereon of materials for the construction or maintenance of a main road.
- (g) The depositing thereon of earth or refuse removed from a main road.

18—The Director of Public Works, or any person authorized by him, may do any or all of the following things in the execution of the works:—

Powers of the Director of Public Works.  
s. 19 of 41 of 1887.

- (a) He may, when he deems it necessary, in the course of any works upon a main road necessitating the temporary blocking up of such road or any portion thereof, or when any part of a main road is unfit for traffic, make a temporary road over lands adjoining the same, to be used as a public road while the main road is being repaired, widened or altered.
- (b) He may, when he deems it necessary for the preservation of a main road, alter or regulate the course of any river, stream or watercourse not being navigable.



- (c) He may cut drains on any lands adjoining a main road, for the purpose of intercepting water that would otherwise flow on to such main road, or of carrying off water from such main road.
- (d) He may make deposits of the spoil or surplus materials from any landslips or excavation, or of any refuse from any main road.
- (e) He may, subject to the provision in the next section, open and work quarries and make excavations for the purpose of obtaining materials for the construction or repair of any road or part of a road, and also gather, collect and carry away stones or other materials from off the surface of lands without making excavations.

Powers of entry upon and occupying and using private lands.  
s. 20 of 41 of 1887 amended.  
s. 1 of 30 of 1892

19—(1) For any one or more of the purposes specified in either of the two next preceding sections, the Director of Public Works, or any person authorized by an order in writing signed by him, may at any time, without previous notice, payment, tender or deposit, enter upon any lands not being more than one mile distant in a straight line from the boundary or fence of a main road, and not being land on which is any house, yard or garden, or provision ground attached to a house and not being a park, avenue or ground ornamentally planted, and occupy and use the said lands so long as may be necessary for the said purpose or purposes, or any works connected therewith without purchasing or taking such lands: Provided that in case of urgent necessity arising, the Director of Public Works may without any previous notice, payment, tender or deposit, enter upon and temporarily occupy any such last mentioned house, yard, garden, ground, park or avenue, in the exercise of the powers conferred by section 18, sub-section (a), for the purpose of making a road to be used as a public road as in the said section mentioned: Provided also that, excepting in such a case of urgent necessity under sub-section (a) of section 18 as is mentioned in the foregoing proviso, the Director of Public Works, or any person authorized as hereinbefore provided, shall not enter

upon any enclosed or cultivated land, or open or work any quarry or make any excavation on any such land, except after at least fifteen days' notice in writing to the occupier of such land: Provided that when the Director of Public Works or other persons as aforesaid has given such notice, and entered as aforesaid, it shall be lawful for him, without any fresh notice, to continue to enter upon such land, or to work such quarry, or make excavations, until he shall have ceased to do so for the period of seven days or upwards, after which it shall be necessary to give a fresh notice before any fresh entry.

(2) In the exercise of the powers in the preceding sub-section mentioned it shall be lawful for the Director of Public Works, or any person authorized by an order in writing signed by him, to make such openings in any fence then existing, or thereafter erected, as may be necessary for the purpose or purposes aforesaid, and also to erect a fence or fences to separate any portion of the land so entered upon from the remainder; and it shall also be lawful for the Director of Public Works, or any person authorized, by an order in writing signed by him, to deposit and to manufacture and work upon such lands materials of every kind used in the works, and for the purposes aforesaid to erect thereupon workshops, stores, sheds and other building: Provided always that nothing in this Law contained shall exempt the Director of Public Works from an action for nuisance or other injury (if any) done, in the exercise of the powers herein-before given, to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid: Provided also that no stone or slate quarry, brickfield or other like place, which is then being worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken or used by the Director of Public Works for the purpose specified in sub-section (e) of section 18.

(3) The Director of Public Works shall, within a reasonable time, either purchase and take any such land entered on and occupied as aforesaid, or shall make compensation to the owners and occupiers of and all other parties interested in any lands, rivers, streams or



watercourses, for all damage sustained by them by reason of the temporary occupation of the same in exercise of the power given by this section; so however that notice in writing of any claim for compensation as aforesaid be given to the Director of Public Works within six months after the doing of the thing in respect of which compensation is claimed.

(4) Such compensation shall be settled either by agreement or in the manner prescribed in the Lands Clauses Law, 1872. Provided that where lands so entered upon and occupied as aforesaid are savanna, ruinate or waste land, or uncultivated land, or the bed of a river or gully nothing shall be paid by way of compensation, or as the price of any materials taken therefrom; and no compensation shall be paid for damage occasioned by or in the process of the removal of any encroachment on the main road, unless caused by the wilful neglect or default of the Director of Public Works, or a person acting under his authority.

#### *Encroachments.*

What are  
encroachments.  
s. 21 of 41 of  
1887.

20—The following shall be deemed to be encroachments on a main road:—

- (a) Any fence, building or construction, erected upon or extending on or over any part of a road.
- (b) Any tree, or any branch, bough, or other part of a tree, fallen upon or over any part of a road.
- (c) Any tree, branch, bough or other part of a tree, or any shrub, projecting upon or overhanging the road, or planted or placed upon the road without authorization from the Director of Public Works.
- (d) Any debris or refuse, or the obstruction of any part of the road remaining or resulting from anything done by or on behalf of the owner or occupier of any land, fence, building or construction, adjoining the road.
- (e) Any tree, or any branch, bough or other part of any tree fallen from any land or fence adjoining

a river, or stream or watercourse, which shall cause or tend to cause the water to flow over or otherwise to injure the road.

- (f) Any pit, cutting or excavation, in upon or under any land adjoining the road, which may be or may become dangerous to persons or animals using the road, and which is not sufficiently fenced or otherwise made safe.
- (g) Any stone, earth, timber or other substance, thrown into or placed in any river, or stream or watercourse, which shall cause or tend to cause the water to flow over or otherwise to injure the road.
- (h) Any stone, earth, timber or other substance, thrown into or placed in any drain or watercourse, which shall impede the drainage of water from the road.
- (i) Any artificial canal, conduit or pipe, from which any water escapes on to any road, owing to the defective construction or maintenance of the same in any part of its course. In any such case the encroachment shall be deemed to proceed from the land on which the canal, conduit or pipe is defectively constructed or maintained.
- (j) Any earth, stone, timber or other substance, left upon or deposited upon the road without authorization from the Director of Public Works.
- (k) Any gate erected or maintained on the road without the permission of the Director of Public Works, or after such permission shall have been revoked by him, or without a watchman being kept constantly near to the gate, whensoever the same shall be shut, for the purpose of opening it when required by any person using the road.
- (l) Any penguin fence erected after February, 1879, abutting on the road and not having the penguins planted on the top of a wall or earthen bank not less than two feet in height, or a fence of wood or iron wire fixed between the penguins and the road.



- (m) Any penguins spreading themselves from any penguin fence lawfully erected so as to extend over any part of a road.
- (n) Any pipe, drain or conduit, discharging water on to the roadway of any main road from any house or premises adjoining such road.

As to the removal of encroachments by the owner, or in his default by the Director of Public Works. s. 22 of 41 of 1887.

21—(1) Whenever there shall exist any encroachment on a main road, the owner or occupier of the land, fence or construction, from which such encroachment proceeds, or the owner of the thing constituting the encroachment shall, after receiving a notice thereof in writing signed by the Director of Public Works, forthwith remove or abate the same at his own cost.

(2) The notice shall specify the nature of the encroachment, and state a reasonable time within which it must be removed.

(3) After the expiration of the time specified in any such notice or without any such delay if the encroachment endangers or impedes or threatens, or is likely to endanger or impede, the traffic on the road or the drainage of the road, The Director of Public Works may remove the encroachment, or cause it to be removed, in such manner as he may think fit.

Removal of encroachments by the Director of Public Works. s. 23 of 41 of 1887.

22—Where the Director of Public Works directs the removal of an encroachment:—

- (a) If the encroachment cannot be conveniently removed without entering on the land from which it comes, the Director of Public Works may direct any officer of his Department, with any necessary assistants, to enter for the purpose, and without giving any notice.
- (b) Neither the Director of Public Works, nor any person acting under his authority in the removal, shall be liable for damage occasioned thereby, unless the same is caused by his or their neglect or default.
- (c) The cost of the removal shall be paid by the owner or occupier of the land from which the encroachment proceeds, or of the thing constituting

the encroachment, and shall be recoverable, together with the costs of recovery, in the same way as penalties are recoverable under section 100 of the Lands Clauses Law, 1872.

- (d) Anything constituting the encroachment shall be forfeited, and the Director of Public Works may sell or otherwise dispose of it, unless the owner previously redeems it by payment of the full costs of removal.
- (e) Whenever such thing constituting the encroachment is disposed of by the Director of Public Works, the net proceeds, after deducting all costs of removal and disposal, shall be credited to the owner or occupier liable for costs of removal, and shall be allowed in the settlement of such costs, and any excess of net proceeds over costs shall be paid to such owner or occupier.

### Offences.

23—Any of the following persons shall be guilty of an offence against this Law, and shall be liable, on summary conviction before any two Justices of the Peace, to a penalty not exceeding the amount herein specified in respect of such offence:—

List of offences against this Law and penalties therefor.

- (1) Any owner or occupier of land from which any encroachment proceeds, or the owner of anything constituting any encroachment, who after due notice shall not within the time specified in the notice have removed such encroachment—five pounds.
- (2) Any person who hinders or obstructs the Director of Public Works, or any person duly authorized by him, while acting under the provisions of this Law—ten pounds.
- (3) Any person who cuts down any tree so that the same falls into a main road, or obstructs a main road, or diverts a river, stream or watercourse, so as to make it encroach upon or injure a main road, and does not forthwith set about to remove the same—five pounds.

S. 24 of 41 of 1887.  
s. 1 of 8 of 1888.  
s. 1 of 11 of 1892.  
s. 1 of 18 1897.  
s. 1 of 18 of 1902  
s. 2 of 11 of 1908.  
s. 1 of 18 of 1908.



- (4) Any person who, without permission from the Director of Public Works, takes any materials from any road, or from any quarry or excavation or place of deposit made and used in connection with the undertaking—five pounds: Provided that nothing herein shall prevent the person in possession of the land on which such quarry or excavation is situate, or any person authorized by him, from digging materials therefrom and carrying away the materials so dug.
- (5) Any driver of a carriage who rides upon that or any other carriage, or upon the shafts thereof, or upon any beast drawing the same, on any main road, without having some other person on foot to guide such carriage, unless the beast or beasts harnessed to such carriage is or are effectually guided and controlled by the driver thereof by means of reins—two pounds.
- (6) Any driver of a carriage who leaves the same standing upon any main road without some proper person to hold the beast or beasts attached to the same, or who is negligently or wilfully at such a distance from the carriage, or in such a situation, that he has not proper control over the beast or beasts attached to the same—two pounds.
- (7) Any driver of a carriage who, by negligence or misbehaviour, causes hurt or damage to any person's horse, cattle, carriage or goods on any main road—two pounds.
- (8) Any driver of a carriage, or of any horses, mules or other beasts of draught or burden, on any main road who, when meeting or being overtaken by any other carriage or beast of burden or draught, does not keep his carriage or horses, mules or beast of draught or burden, on the left or near side of the road, except when in the act of passing another carriage, horse, mule or beast of draught or burden, going in the same direction—two pounds.

- (9) Any person who wilfully or negligently prevents, hinders or intercepts, the free passage of any other person or any carriage or beast, on any main road, or who draws up any carriage in such manner as to obstruct the free passage along the road—two pounds.
- (10) Any person who rides or drives furiously on any main road, or in a manner dangerous to other persons using the road—five pounds.
- (11) Any person who wilfully or through negligence causes damage to any main road, or any wall, bridge, culvert, fence, mile post, guide post, drain or other structure, pertaining thereto—two pounds.
- (12) Any person who, having blocked or scotched the wheel of a carriage, allows the stone or other thing used for the purpose to remain on the roadway after the carriage has moved away—two pounds.
- (13) Any person who draws any logs, stones or heavy articles, upon any main road otherwise than upon a wheeled carriage—two pounds.
- (14) Any person who uses any instrument for retarding the progress of any carriage, whereby the road is unnecessarily injured—two pounds.
- (15) Any person who leaves any carriage upon any main road, except in case of an accident, or in that case for a longer time than is necessary to remove the same—two pounds.
- (16) Any driver of a carriage any part of which, or of the lading or any shaft or outrigger of which, shall extend laterally more than six inches beyond the axle—two pounds.
- (17) Any person who deposits or leaves any dead carcass, wood, dung or rubbish, or other matter or thing, on any main road—two pounds.
- (18) Any person who removes or destroys any barrier placed on a main road by the Director of Public Works, or any person authorized by him, for the purpose of diverting the traffic—two pounds.



- (19) Leading or driving any horse, gelding, mare, filly, mule, or donkey, loaded or unloaded and not attached to a wheeled vehicle, along any main mountain bridle road, and neglecting to have such animal under proper control by means of ropes or reins—two pounds.
- (20) Any person who allows any horned stock, horse, mule, ass, sheep, goat or pig, to be at large on any road, except whilst being lawfully driven along such road—two pounds: Provided that this provision shall not apply to the owner or occupier of any unfenced land any of whose animals as aforesaid are allowed to be at large on the portion of the road that traverses such land.
- (21) Any person riding, driving or being upon any carriage, bicycle, tricycle, or other similar machine on a road, who contravenes, or fails to comply with any of the provisions of section 24 of this Law—two pounds.
- (22) The owner of any horned stock, horse, mule, ass, sheep, goat, or pig tethered on any road, or so tethered as to be able to stray on any road—two pounds.
- (23) Any person who tethers, or allows to be tethered, on any road, or so as to be able to stray on any road any horned stock, horse, mule, ass, sheep, goat or pig—two pounds.
- (24) Any person driving or riding any carriage, who, upon overtaking any carriage, or any horse, or other beast of burden, or any foot passenger, being or proceeding along the carriage way, or on approaching a corner, neglects or fails, within a reasonable distance from and before passing such carriage, horse, or other beast of burden, or such foot passenger, or from and before passing such corner, to sound a bell or whistle, or otherwise give audible and sufficient warning of his approach—two pounds.
- (25) Any person riding, driving or being upon or in charge of any carriage other than a motor vehicle

within the meaning of Law 21 of 1922, who uses, or sounds, a horn operated by means of a pneumatic bulb as a means of giving warning of the approach of such carriage—two pounds.

*Lights on Carriages.*

24—(1) On every carriage in use on a road within the period specified in this section, save as in subsection (2) of this section mentioned, Lamps and lighting during specified period.

- (a) two front lamps at least shall be carried and shall be so constructed and affixed on the outside of the carriage as to show when lighted white lights adequate to signal the approach or position of such carriage; one of such lamps shall be placed on the extreme right or off side, and the other on the extreme left or near side, of the carriage and in such a position as to be free of all obstruction to the light;
- (b) except where the front lamps when lighted exhibit red lights visible from the rear within a reasonable distance, a tail lamp shall be carried so placed and in such a position, free of all obstruction, as to exhibit, when lighted a red light, visible in the reverse direction at a reasonable distance.

Provided it shall be sufficient for a cart, waggon or dray to be fitted with one lamp so placed as to exhibit to the traffic on the road a white light adequate to signal the approach or position of such cart, waggon or dray and a red light visible within a reasonable distance in the reverse direction.

(2) On every bicycle, tricycle, or other similar machine, when in use on a road within the period specified in this section, one front lamp at least shall be carried, so affixed thereto as to show when lighted a white light adequate to signal the approach or position of such machine and a tail lamp so placed and in such a position, free of all obstruction, as to exhibit a red light visible in the reverse direction at a reasonable distance.

Provided it shall not be necessary to carry a lamp showing a red light to the rear if such machine has attached thereto an unobscured and efficient red reflector.



(3) Every such lamp shall be kept properly trimmed and ready for lighting and shall be lighted when the carriage, bicycle, tricycle, or other similar machine is in use on any road during the period between one half hour after sunset and one half hour before sunrise.

(4) Notwithstanding anything in this section contained when a carriage is stationary it shall be sufficient for the same to be fitted with one lamp so placed as to exhibit on the side of the carriage exposed to the traffic on the road a white light visible within a reasonable distance in the direction in which the carriage is intended to proceed, and a red light visible within a like distance in the reverse direction.

*Power to Arrest.*

Power to arrest  
offenders on  
view without  
warrant.  
s. 25 of 41 of  
1887.  
s. 2 of 11 of  
1892.

25—(1) The Director of Public Works, or any person authorized by him, or any Justice of the Peace or constable and all persons whom they or any one of them may at any time call to their assistance, may take into custody without warrant to be dealt with according to the provisions of this Law, any person who is guilty in their sight of any of the offences specified in section 23 of this Law

(2) The power of arrest conferred by this section on a constable shall extend to cases where although any such offence has not been committed in his view, such constable is informed by some person known to him that such offence has been committed in the sight of such person, and is required by him to arrest the offender. Provided that no constable shall arrest any person on the information of any other person as aforesaid unless he shall take both the informer and the person accused to the nearest police station that the informer may sign the charge sheet, or before a Justice of the Peace for the purpose of laying an information.

(3) No person shall be liable to be arrested under this section if, on demand, he shall give his name and address unless the constable or other person having power of arrest under this section has reason to believe and believes the name and address given to be false.

*Legal.*

26—In every contract, release, covenant or agreement, deed or instrument, in relation to the main roads, to which the Director of Public Works is a party, it shall be sufficient to describe him by the style of Director of Public Works without naming him, and every such contract, release, covenant or agreement, deed or instrument, may be executed by the Director of Public Works by signing his name, or if the instrument be in the form of a deed, by signing, sealing and delivering the same as his deed.

Making and execution of deeds and instruments relating to main roads.  
s. 10 of 41 of 1887

27—The Director of Public Works may sue and be sued in respect of any cause of action relating to the main roads; and in any suit or action to be brought by or against the Director of Public Works it shall be sufficient to describe him as Director of Public Works, without naming him; and such action or suit shall not abate by the death, resignation, departure from this Island or removal from office, of the person holding the office of Director of Public Works.

Actions relating to main roads.  
s. 11 of 41 of 1887

28—All deeds, contracts, conveyances, receipts, agreements and other documents, made or given under this Law shall be free of stamp duty.

Exemption of stamp duties.  
s. 26 of 41 of 1887.

29—The Director of Public Works and all persons employed by or under him, shall be exempt from personal responsibility for any act done under the provisions and powers of this Law; and all damages and costs which may be recovered against the Director of Public Works in any action or suit for acts so done shall be paid out of the public revenue on the warrant of the Governor.

Exemption from personal responsibility for acts done under this Law.  
s. 27 of 41 of 1887.

30—(1) Any action or prosecution for anything done in pursuance or execution, or intended execution, of this Law shall be commenced within three calendar months after the thing done and not otherwise.

Restrictions in respect of actions for things done in execution or intended execution of this Law.  
s. 28 of 41 of 1887.

(2) Notice in writing of such action or prosecution, and of the cause thereof, shall be given to the intended defendant one calendar month at the least before the commencement of the action or prosecution.



(3) In any such action or prosecution the defendant may plead generally that the act complained of was done in pursuance or execution, or intended execution, of this Law, and give the special matter in evidence at any trial to be held thereupon.

(4) The plaintiff shall not recover if tender of sufficient amends is made before action brought, nor after action brought if a sufficient sum of money has been paid into Court by or on behalf of the defendant.

(5) If the verdict is for the defendant, or if the plaintiff is non-suited, or discontinues the action after issue joined, or if judgment is given against the plaintiff, the defendant shall recover his costs as between solicitor and client, and shall have the like remedy for the same as a defendant has by Law for costs in other cases.

(6) The plaintiff, though a verdict is given for him, shall not recover costs against the defendant unless the Judge before whom the trial is had certifies his approbation of the action.

Right of free  
process.  
s. 29 of 41 of  
1887.

31—In any prosecution under this Law the Director of Public Works and any officer of his department shall have the right of free process in any of the Courts of Judicature in this Island.

*Miscellaneous.*

Payments by  
promoters, how  
made.  
s. 30 of 41 of  
1887.

32—Payments and deposits required to be made by the promoters shall be made by the Treasurer on the warrant of the Director of Public Works.

Special publi-  
cation of  
sections 20 and  
23 required.  
s. 31 of 41 of  
1887.

33—The Inspector-General of Constabulary shall cause copies of sections 20 and 23 of this Law to be printed upon posters in large type, and kept affixed outside every police station that abuts on a main road, and at such other public places as he may think fit.

Land Clauses  
Law 1872 parti-  
ally incorporated  
s. 2 of 41 of  
1887.

34—With this Law is incorporated the Lands Clauses Law 1872 except sections 10, 11, 12, 13, 14, 15, 16, 84, 88, 101, 105, 106 and except where the provisions of that Law are inconsistent with the provisions of this Law.

35—The Laws mentioned in the second schedule to Repeal.  
this Law are hereby repealed to the extent indicated in  
the third column of the said schedule.

36—This Law may be cited as the Main Roads Con- Short Title.  
solidation Law, 1931.

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FIRST SCHEDULE.

(Section 3.)

SCHEDULE OF ROADS.

*North-Western District.*

- (1) From Spanish Town to Falmouth via Cumberland Road, Bog Walk, Linstead, Ewarton, Moneague, Claremont, Brown's Town, Stewart Town, Clark's Town.
- (2) Rio Bueno to Christiana via Jackson Town, Ulster Spring, Stettin and Coleville.
- (3) Montpelier to Junction at Ferris via Mackfield and Whithorn.
- (4) From Riley Junction via Green Island to junction at Glasgow.
- (5) From junction at Salt Marsh Bay in Trelawny via Content, Adelphi, Dumfries in St. James and to junction at Tilston in Trelawny.
- (6) From Spencers Bridge at Falmouth in Trelawny via Tilston, Wakefield, Deeside and Springvale to Vaughansfield in St. James.
- (7) From junction near Anchovy in St. James via Lethe Bridge to junction at Burnt Ground in Hanover.
- (8) From junction at Fairfield in St. James via Springfield, Elderslie, Retirement, Vauxhall, Neuton to junction at Tombstone, Lacovia in St. Elizabeth.
- (9) From Dry Harbour to Brown's Town.
- (10) From Dry Harbour via Dornock, Stewart Town, Dunn's Hole and Devon to Culloden.
- (11) From junction at Barnett Bridge to junction at Adelphi.
- (12) From junction at Lucea Parish Church to gate at Lucea Barracks.
- (13) From junction at Dundee Bridge via Jericho to junction at Mosquito Cove.
- (14) From junction at Solas to Davis Cove.
- (15) From Askenish via Lucea West River to Rileys Junction.
- (16) From junction at Rio Neuvo via Retreat to Gayle.

*South-Western District.*

- (1) From one mile west of Kingston to St. Ann's Bay, westward, through Spanish Town via Burke Road, Oxford Road and Wellington Street, Old Harbour, May Pen, Porus, Mandeville, Black River, Savanna-la-Mar, Lucea, Montego Bay, Falmouth, Rio Bueno, Runaway Bay.
- (2) From foot of Long Hill near Montego Bay to junction at Middle Quarters via Montpelier, Bethel Town and Newmarket.
- (3) Ulster Spring through Troy, Oxford, Balaclava, Appleton, Y.S. to the junction at Middle Quarters.
- (4) Mandeville Court House via New Port to Alligator Pond.
- (5) Black River to Santa Cruz via Mountainside and Malvern.



- (6) Free Town near Old Harbour to Old Toll Gate via Lionel Town, Alley, Race Course, Rest and St. Jago.
- (7) May Pen to Spaldings via Chapelton, Trout Hall and Frankfield.
- (8) From junction at Downs in Manchester, via Lititz and Williamsfield to junction at Fullerswood in St. Elizabeth.
- (9) From junction at Williamsfield in Manchester via Mile Gully, Lookout, Lilliput, Bogue and Elim to junction at Newton in St. Elizabeth.
- (10) From junction at Savanna-la-Mar in Westmoreland via Little London, Springfield Bridge, Silver Spring and Phoenix to New Green Island in Hanover.
- (11) From junction at Dundee Bridge in Hanover via Pennycooks, Barham, Banbury, and Torrington Park to junction at Dunbar's Corner at Savanna-la-Mar in Westmoreland.
- (12) From Stonehenge Railway Station in St. James via Chesterfield to Seaford Town in Westmoreland.
- (13) From junction at Darliston in Westmoreland via Hopeton, Lennox and Carmel to junction at Newmarket in St. Elizabeth.
- (14) From junction at Morgan's Bridge to junction at Little London.
- (15) From junction at Georges Plain via Banbury to junction at Ferris.
- (16) From junction at Springfield to Negril.
- (17) From junction at New Hope Bridge to Hope Wharf.
- (18) From junction at Broken Bank via Hermitage, Bog, Hayes and Halse Hall to junction near May Pen Bridge.
- (19) From junction at Parnassus via Four Paths, Mocho, Thompson Town and Smithville to Frankfield.
- (20) From junction with New Port Road at Rest Store via Cross Keys and Victoria Town to junction at St. Jago Cotton Tree on road to Rest.
- (21) From junction with Cumberland Road at Spanish Town via Lloyds, Point Hill and Worthy Park to Ewarton.
- (22) From junction at St. Jago Park near Spanish Town via Naggo Head and Port Henderson to Apostles Battery, with branch from Naggo Head to junction with Spanish Town Road.
- (23) From Old Harbour Bay via Old Harbour, Colbeck, Bartons and Marlie Hill to Belfield.

*North-Eastern District.*

- (1) From Torrington Bridge, Kingston, to Annotto Bay by way of Stony Hill and Castleton Gardens.
- (2) From St. Ann's Bay to Port Antonio eastward, via Ocho Rios, Oracabessa, Port Maria, Annotto Bay, Buff Bay and Hope Bay.
- (3) Halfway Tree to Buff Bay via Newcastle and Hardware Gap.
- (4) Bog Walk to junction at White Hall on the Annotto Bay to Port Maria Road via Riversdale, Troja, Richmond and Highgate, with branch Comesee to Whitehall Hill.
- (5) Brown's Town to Mandeville via Gray's Abbey, Cave Valley, Spaldings and Shooters Hill.
- (6) Linstead to Oracabessa via Guy's Hill, Halifax, Lucky Hill and Gayle.
- (7) Riversdale to junction at Ballards Valley via Hampshire, Rio Magno, Pear Tree Grove, Woodside, Hampstead and with branches Palmetto Grove to Highgate and Hampstead to Sandside.
- (8) Moneague to Ocho Rios via Fern Gully.
- (9) From junction at Hordley in St. Thomas via Haining and Grange Hill to Muirton in Portland.

- (10) From junction at Gordon Town, in St. Andrew, via Content Gap, Pleasant Hill and Silver Hill Gap to junction with road to Buff Bay in Portland.
- (11) From junction at Nolans Hill, St. Andrew, via Lawrence Tavern, Mount Charles and Platfield to Montrose near Richmond in St. Mary.
- (12) From junction at Stony Hill, St. Andrew, via Lawrence Tavern, Cassava River, Glengoffe and Harmony Hall to junction at Lewisburgh in St. Mary.
- (13) From junction at Red Hills in St. Andrew via Rock Hall and Mount Caroline to junction near Crooked Spring in St. Catherine.
- (14) From junction at St. Christophers, St. Andrew, via Park Road District, Zion Hill, Harkers Hall and Tulloch to junction at Shenton near Bog Walk in St. Catherine.
- (15) From junction at Lucky Hill in Western St. Mary via Goshen Bridge to Moneague in St. Ann.
- (16) From junction at Claremont in St. Ann via Pedro River Bridge, Farenough, Colonels Ridge and Friendship to junction at Kupuis Bridge over the Rio Minho in Clarendon.
- (17) From junction at Ludlow in Clarendon via Lookout, Orange Valley and Lluidas Vale to junction at Worthy Park in St. Catherine.
- (18) From junction at Alston in Clarendon via Moravia to junction at Christiana in Manchester.
- (19) From junction at Spaldings in Clarendon via Cabbage Hall, Cumberland and Davyton to junction near Williamsfield in Manchester.
- (20) Port Antonio to Matty's River via Breastworks, Sandy River Bridge and Seaman's Valley with branches Sandy River to Berridale, Seaman's Valley to Moore Town, and Breastworks via Non Such and Kemnay Grove to junction at Fairy Hill.
- (21) From Hope Bay to Fruitful Vale via Elysium and Shrewsbury, with branch from Elysium to Doubloon Spring.
- (22) From junction Buff Bay to Annotto Bay Road via Fort Stewart and Enfield to Evandale.
- (23) From Water Valley via Islington and Quebec to Port Maria with branches Islington to Albany and Orange Hill to Robins Bay.
- (24) From junction at Negro River Bridge near St. Ann's Bay to Claremont.
- (25) From Runaway Bay to junction at Orange Valley.

*South-Eastern District.*

- (1) From eastern side of Paradise Street, Kingston, to Port Antonio, eastward, via Yallahs, Morant Bay, Port Morant, Golden Grove, Manchioneal.
- (2) Port Morant to Bath via Potosi and on to junction at Quaw Hill.
- (3) Eleven Mile to Morant Bay via Cedar Valley, Trinity Ville, Serge Island, with branch road to Bath.
- (4) From junction at the Cooperage in St. Andrew, via Gordon Town, Mavis Bank and Mahogany Vale Bridge to junction at Cedar Valley in St. Thomas.
- (5) From junction at Potosi to Morant Bay via Brooklands and Stanton.
- (6) From junction at Belvedere to Morant Bay Road; and from Soho to junctions at Morant, at Seaforth and at White Hall Gap.

*Miscellaneous.*

*St. Andrew—*

From junction Lady Musgrave Road via Trafalgar Road, Waterloo Road and Kings House Road to Rest Pen.



From junction Spanish Town Road via Old Pound Road, and Halfway Tree to junction Chancery Hall Road.

From Rest Pen via Chancery Hall Road to Maverley.

From Halfway Tree via Molyne's Road, Maverley, Stirling Castle and Healthy Valley to Ferry and from Healthy Valley to Waddels.

From Knutsford Park Gate via Oxford Road to junction Hope Road.

From Halfway Tree via Old Post Road to junction Spanish Town Road.

From junction Spanish Town Road via Walworth to Chancery Hall Road.

From West Race Course via North Race Course and Marescaux Road to West Camp Road and from West Race Course via Torrington Bridge and Brentford Road to Retirement Road.

From junction Brentford Road via Lyndhurst Road to Old Pound Road.

From junction Halfway Tree Road via Retirement Road to Lyndhurst Road.

From Cross Roads through Up-Park Camp and Woodford Park to Upper Elletson Road, and from Allman Town via Arnold Road to Camp Road.

From Constant Spring via Olivier Road, Norbrook Road and Four Roads to junction at Camperdown.

From Cross Roads via Old Hope Road to Matilda's Corner.

From junction with Olivier Road via Dolly Mahoney Gap to Cambridge.

From Old Hope Road via Lady Musgrave Road, Four Roads, Mary Brown's Corner, Belle View, Manning's Hill to Guava Walk Gap.

From junction at Golden Spring via Mount James, Mount Airy and Brandon Hill to junction with road to Annotto Bay.

From junction of road from Gordon Town to road to Newcastle at Middleton and at Cold Spring and from junction at Greenwich Spring to junction at Greenwich Camp Gate.

#### *St. Thomas—*

From junction at Yallahs to Belvedere via Brownsbury, Lloyds and Negro River Bridge; and from junction at Brownsbury to Scotland Gate.

From junction at Yallahs to Easington Bridge via Mavis Bank, Heartsease and Norris, with branches Poorman's Corner to Mavis Bank and Easington Bridge to Heartsease.

From junction at Cambridge Hill to Albion via Invernay and branch from Llandewey to junction at Mount Sinai.

From junction at Windsor Forest to junction at Brook Lodge and from junction at Monklands to junction at Richmond Works.

From junction at Trinity Ville to Mount Vernon.

From Phillipsfield to Pera Point via Pera Works and from Phillipsfield to Bowden.

From junction at Port Morant to junction near Phillipsfield via McGill's Wharf and Port Morant Wharf.

From Golden Grove to Rocky Point and from Airy Mount to Hampton.

From Bachelors Hall to Pleasant Hill with branch from Plantain Garden River Works to Harbour Head.

From Bath to Corn Puss Gap and to Bath Hot Springs.

From Hordley to Amity Hall and to Golden Grove and from Suspension Bridge to Holland Bay.

From junction near Harbour Head to junction with the Port Morant to Bath Road.

From junction with road to Morant to junction with road to Belvedere.

*Portland—*

From Muirton to Fair Prospect via Ecclesdown and Hartford.  
From Rio Grande River Bridge to Cuffie Head via Darley.  
From Spring Garden to junction at Tranquility via Berwick Spring and Bangor Ridge with branch via Doubloon Spring to Caenwood.  
From junction at Hardware Gap to junction at Cedarhurst.  
From White River Bridge via Craigmill to Longville.  
From junction at Haining to Williamsfield.

*St. Mary—*

From junction at Toms River to junction at Grandy Hole Bridge on road Stony Hill to Annotto Bay.  
From Annotto Bay via Fort George to Bridge Hole and branch to Camberwell.  
From Agualta Vale via Cape Clear to junction near Richmond.  
From Orange Hill via Clermont to junction near Highgate.  
From Clermont via Clonmel, Konigsberg, Rock River and Comfort Hall to junction at Montrose.  
From junction at Trinity via Tryall to Fontabelle and branch from Bayley's Vale via Brimmer Hall to Free Hill.  
From Little Bay via Albion to Jacks River.  
From junction at Golden Grove to Coffee Piece.  
From Richmond to Richmond Railway Station.

*Western St. Mary—*

From junction at Cottage via Windsor Castle to junction near Gayle.  
From junction at Guy's Hill to junction at Pembroke Hall.  
From junction at Guy's Hill to Windsor Castle and junction near Windsor Castle to junction near Woodside.  
From junction at Dover Castle via Redwood to Rio Magno.  
From junction at Troja to junction at Pear Tree Grove.

*St. Ann—*

From White River Bridge via Brothers Retreat to Newstead Bridge.  
From junction at Goshen via Blue Hole to junction at Hopewell.  
From junction at Greenwich Park to junction at Golden Grove and from Golden Grove to junction at Hopewell.  
From junction at Priory to junction at Bamboo.  
From junction at Charlton via Ballintoy to junction at Bonneville.  
From junction at Blue Hole to Blackstonedged.  
From junction at Green Park to junction at Trafalgar.  
From Main Road near Borobridge via Mount Maria and Cascade to junction at Lorrimers.

*Trelawny—*

From junction at Albert Town to junction at Stettin.  
From junction at Wait-a-Bit through Broadleaf Water and Stettin to junction at Freemans Hall.  
From line of parish St. James via Wakefield to Golden Grove.  
From junction at Holland via Forrest, Kinloss and Clarks Town to Duncans.  
From junction near Albert Town to junction at Kinloss.

*St. James—*

From Montpelier via Cambridge and Marchmont to Washfoot Gully  
From junction at Marchmont via Catadupa and Brothers Retreat to junction at Flamstead.  
From junction at Mocho via Auchindolly to junction at Niagara.



From Ducketts via Cambridge to Mount Horeb.  
 From junction at Johns Hall via Flamstead and Sunderland to Stapleton.  
 From junction with main road to Adelphi through Latium and Industry to Virgin Valley.  
 From junction at Guilsboro via Amity Hall and Burkes Mountain to junction near Springfield.  
 From junction at Point to junction at Cross Roads.  
 From junction at Amity Hall to junction at Sunderland.

*Hanover—*

From junction at Hopewell via Old Pen to junction at Haughton Grove.  
 From junction at Jericho via Cascade to junction at Cash Hill.  
 From junction at Salt Spring via Green River to junction at Grange.

*Westmoreland—*

From junction at Torrington via Petersfield to Galloway.  
 From junction at Frome via Truro Pen to junction at Locust Tree, and from junction at Truro Pen to Town Head.  
 From junction at Whithorn via Darliston to junction at Woodstock.  
 From junction at Struie via Seaford Town to junction at Marchmont.  
 From junction at Hopetown via Orange Grove to junction at Acken-down.  
 From junction at Bethel Town via York and Ducketts Spring to junction near Seaford Town.  
 From junction at Seaford Town to Charlemont.  
 From junction at Hertford via Fort William to Grange.  
 From junction at Whithorn to junction at Ferris.

*St. Elizabeth—*

From junction at White Hall to junction at Luana.  
 From junction at Wilton via Grosmond to Bogue.  
 From junction at Lacovia via Burnt Savanna to junction at Mountain-side.  
 From junction at Sandy Ground via Brompton to Luana.  
 From junction at Y. S. via Ipswich to junction at Elderslie.  
 From junction at Hodges via Brompton to Cotterwood.  
 From junction at Park to junction at Williamsfield.  
 From junction at Windsor to Aberdeen.  
 From junction at Emmaus via Northampton to junction at Lovely Point.  
 From junction at Malvern to gate at Munro College.  
 From junction at Four Paths via Springfield and Pisgah to junction at Ginger Hill.  
 From junction at Braes River to junction at Lancaster.  
 From junction at Union to junction at Lilliput.  
 From junction at Red Gate via Ginger Hill to Orange River Bridge.  
 From junction at Balaclava to Keynsham Pen.  
 From junction at Elim to junction at Two Mile Wood on road to Lancaster.

*Clarendon—*

From junction at Cave Valley via Greenock Bridge to junction at Trout Hall.  
 From junction at May Pen via Sevens, Rock River and Suttons to junction near Chapelton.  
 From junction at Rest through Rowington Park to junction at Sandy Gully.  
 From junction at Curatœ Hill via Parnassus to junction at Race Course.

From junction at Ennits Corner to junction of road to Chapelton.  
From junction at Low Ground via Ludlow and Old Woman's Hill to junction at Farenough.  
From junction at Thompson Town through Blackwoods and Beckford Kraal to junction near Chapelton Railway Station.  
From Mount Hindmost through Kupuis to junction of road to Chapelton at Kupuis Bridge.  
From junction at Coffee Hill via Savoy to junction at Morgan's Valley.  
From junction at Paisley Cross via Breadnut Bottom and Rosewell to Oakes Pen at 5th Mile Post.  
From junction at Grantham via Tweedside to junction at Alston.  
From junction at Danks via Crawle River to Arthur's Seat.

*Manchester—*

From junction at Put-Together, Mandeville via Kingsland to junction at Spur Tree.  
From junction at Clifton to junction with New Port Road at Cedar Grove.  
From junction at New Port via Roxburgh and Barossa to junction at Royal Flat.  
From junction at Gutters via Downs and New Forrest to junction at Rowe's Corner.  
From junction near Skull Point Court House via Greenvale and Ballynure to junction at Craighead.  
From junction at Walderston via Sedburgh to junction at Christiana.  
From junction to Coleyville via Craighead to junction at Troy Bridge.  
From junction at Mile Gully Pound to John's Hall.  
From junction at Green Hill to junction at Oxford.  
From junction at Mark Post via New Green Settlement to junction with Battersea Road.  
From junction at Tucker's Corner to junction at Put-Together.  
From junction at Sedburgh to junction with Mount Olivet Road at Clandon.  
From junction at Skull Point via Devon to junction near Sedburgh.

*St. Catherine—*

From junction at Linstead via the Railway Station to junction with road to Ewarton near the Church at Linstead.  
From junction with Spanish Town Road near Kingston Bridge via Highgate to Sligo Ville.  
From Railway Station at Bushy Park via Spring Garden to junction near Lloyds.  
From junction at Bog Walk via Wakefield and Springvale to junction at Point Hill.  
From junction at Knollis to junction with the Bog Walk to Linstead Road.  
From junction at Riversdale to Lucky Valley.  
From junction at Williamsfield via Gobay to Mount Industry.  
From junction at Guy's Pen, Old Harbour Road to junction at Eltham Park, Bog Walk Road.  
From junction at Springvale via Retreat to junction near Lloyds.  
From junction at Worthy Park via Swansea to Camperdown.  
From junction at Zion Hill to junction with the road from Cassava River to Glengoffe.  
From junction near Linstead via Russels Pen to Mango Grove, with branch to Treadways.  
From junction at Ackee Ville on the road to Bartons via Planters Hill, Content and Bellas Gate to Gold Mine.



## SECOND SCHEDULE.

(Section 35.)

No. and date of Law.	Title.	Extent of Repeal.
No. 41 of 1887	The Main Road Law 1879, Amendment Law, 1887.	The whole Law.
No. 8 of 1888	A Law to supply an omission in Section 24 of Law 41 of 1887.	The whole Law.
No. 19 of 1891	The Main Roads Law, 1887, Amendment Law, 1891.	The whole Law.
No. 11 of 1892.	The Main Road Law, 1887, and Parochial Road Law, 1873, Amendment Law, 1892.	So much of the Law as relates to Main Roads.
No. 30 of 1892.	The Main Road Law, 1887, Further Amendment Law, 1892.	The whole Law.
No. 18 of 1897.	The Road Law, 1897.	So much of the Law as relates to Main Roads.
No. 18 of 1902.	The Main and Parochial Road Laws, Amendment Law, 1902.	So much of the Law as relates to Main Roads.
No. 11 of 1908.	The Road Laws Amendment Law, 1908.	So much of the Law as relates to Main Roads.
No. 18 of 1908.	The Road Law, 1897, Amendment Law, 1908.	So much of the Law as relates to Main Roads.
No. 32 of 1911.	A Law further to amend the Main Road Law, 1879, Amendment Law, 1887.	The whole Law.

No. 34--1931.

I assent,

[L.S.]

R. E. STUBBS,  
*Governor.*

4th February, 1932.

A LAW to Consolidate the Laws Relating to Parochial Roads.

[11th February, 1932.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

PAROCHIAL ROAD FUND AND JURISDICTION OF PAROCHIAL BOARDS.

1—(1) The Treasurer shall carry to the credit of an account for each parish to be called The Parochial Road Fund Account of such parish—

- (a) All taxes and moneys collected for licence duties on horsekind, asses, wheels and hand-carts in virtue of the Licence and Registration Duties' Law, 1867 (Law 30 of 1867) or any Law amending the same;
- (b) all License duties on a motor vehicle or on a trailer payable in the parish in virtue of the Motor Vehicle Law 1922 (Law 21 of 1922) or any Law amending the same;
- (c) the proceeds of the Parish Road Rate collected in virtue of the Parish Rates Law, 1903 (Law 16 of 1903) or any Law amending the same.

The Parochial Road Fund of each parish; how to be credited and applied.  
Ss. 2 and 3 of 29 1873.  
S. 1 of 11 of 1878.  
(See s. 5 of 17 of 1899, s. 7 of 21 of 1922, s. 4 of 16 of 1903)



and the same shall be used and paid for such local Parochial Road purposes as the Parochial Board of each parish shall from time to time direct.

(See Law 12 of 1931, ss. 107, 108, and 183.)

(2) The provisions of this section shall not apply to the parishes of Kingston and St. Andrew.

Powers to make rules for Parochial Boards. S. 4 of 29 of 1873.

2—It shall be lawful for the Governor in Privy Council from time to time to make rules for the guidance of the Parochial Boards. Such rules may give directions concerning the keeping of the records of the Boards, and the keeping and auditing of accounts, and may also provide generally for the guidance of the Boards, and for the regulation of their proceedings. Such rules shall be published in the Jamaica Gazette, and shall come into operation on the date of such publication, or on such other date as may be therein specified. Until such rules come into operation the Governor may direct whatever might be directed by such rules.

Extent of jurisdiction of Parochial Board. S. 5 of 29 of 1873.

3—Each Parochial Board shall have the exclusive care, management, control and superintendence of all highways, and of all public roads, thoroughfares, streets, lanes, aqueducts, and bridges, in the parish for which it is appointed, except such roads as are otherwise governed and regulated under Laws of this Island, specially relating thereto and except the roads under the superintendence of the Director of Public Works.

#### APPOINTMENT AND DUTIES OF SUPERINTENDENT OF PAROCHIAL ROADS AND WORKS.

Superintendent of Parochial Roads and Works—his appointment. S. 1 of 20 of 1886; S. 1 of 7 of 1896; Law 25 of 1903.

4—(1) The Parochial Board of every parish shall from time to time appoint a fit and proper person (who shall have obtained from the Director of Public Works a certificate that he possesses sufficient technical knowledge evidenced by past services or by diplomas, or a certificate of competency in the Form annexed to this Law) to be the Superintendent of the highways, roads, thoroughfares, streets, lanes, aqueducts, bridges, works and buildings, under the care, management, control and superintendence, of the Parochial Board; and any person so appointed shall be termed "Superintendent of Parochial Roads and Works."

(2) Such Superintendent shall be paid such salary as may be determined by the Board with the sanction of the Governor, one moiety of such salary to be paid by the Board out of the Parochial Road Fund of the parish, and the other moiety by the Treasurer out of the General Revenue of the Island and he shall not be dismissed except with the sanction of the Governor in Privy Council.

(3) Should any such Superintendent fail or neglect or refuse to perform the duties of his office, or should he in the opinion of the Board be unfit or incompetent to discharge the duties of his office, it shall be lawful for the said Board, by a minute or order, to suspend such Superintendent, and he may be removed or otherwise dealt with as the Governor in Privy Council may determine.

(4) When it is proposed to suspend a Superintendent, the Chairman of the Board shall forthwith notify to him in writing the charges against him and the grounds on which such charges are based and shall appoint a day, not later than one month from the date of such notification, upon which the question of his suspension shall be brought before the Board, and shall inform him that he is required to attend before the Board and defend himself orally. If any witnesses are examined, he must be allowed an opportunity of putting questions on his own behalf, and he must be furnished with a copy of such documentary evidence as may be intended to be used against him. The investigation may, if necessary, be adjourned from time to time, and if the Superintendent be suspended, a full report of the proceedings before, and of all evidence taken by the Board, with the opinion of the Board upon the case, shall on its conclusion, be forthwith forwarded to the Colonial Secretary by the Chairman.

5—(1) The Superintendent of Parochial Roads and Works appointed as aforesaid shall be the Chief Executive Officer and Adviser of the Parochial Board in relation to Parochial Roads and Works.

His status and  
duties.  
S. 2 of 20 of  
1886 amended.

(2) He shall report to the Board upon the works, repairs or alterations, required to be done on any of the roads, buildings or works of the parish and, when required by the Board, furnish plans, specifications and estimates, of the



cost of such works, repairs or alterations; he shall, subject to the directions of the Parochial Board, carry out, or superintend and control the carrying out of such works, repairs or alterations, as may be sanctioned by the Board; he shall examine and report upon all work done for the Board before the same shall be paid for, save as in Sections 6 and 7 of this Law provided, so that after the appointment of a Superintendent of Roads and Works in any parish all accounts in relation to the roads and works shall be certified by the Superintendent of Roads and Works before payment, save as in Sections 6 and 7 of this Law provided, and generally he shall do all other work in relation to the Parochial Roads and Works as may be denoted by his title of office.

(3) The Superintendent shall enter into bond for the faithful discharge of his duties, and for the true and accurate accounting for all parochial funds expended by or through him, in such sum and form as the Board shall determine.

Power to pay small accounts on certificates of Assistant Superintendents or persons appointed by the Board.  
S. 1 of 7 of 1890.

6—It shall be lawful for the Parochial Board of any parish, in its discretion, to pay any account for work performed in or upon the Parochial Roads or Parochial Works of such parish not exceeding the sum of ten pounds, on the certificate of an Assistant Superintendent of Parochial Roads and Works appointed under this Law, or of any other person appointed by the Board to inspect and report on such work, to the effect that he has personally inspected and examined such work, and that it has been properly and satisfactorily performed.

Power to pay instalments on account of contracts on similar certificates.  
S. 2 of 7 of 1890.

7—It shall be lawful for the Parochial Board of any parish, in its discretion, to pay any instalment on account of any contract for work performed or to be performed in and about the Parochial Roads or Parochial Works of such parish, on the certificate of any such Assistant Superintendent or other person appointed as aforesaid, to the effect that he has personally inspected and examined such work so far as completed, and that the same has been properly and satisfactorily done, and stating what in his opinion, is the value of the work so done: Provided nevertheless that a reserve of at least ten per cent. of the value of the work reported to be done shall be kept back, to be

paid only upon the final report of the Superintendent of the Parochial Roads and Works.

8—Nothing herein shall exempt the Superintendent of Parochial Roads and Works of any parish from the duty of inspecting, examining and reporting upon, all work upon or in connection with the Parochial Roads or Parochial Works of such parish as soon as practicable.

Duty of Superintendent of Parochial Roads and Works not affected by this Law.  
S. 3 of 7 of 1890.

9—The Parochial Boards shall have power to frame rules and by-laws for the governance and regulation of the office of Superintendent of Parochial Roads and Works.

Power to make by-laws.  
S. 3 of 20 of 1886.

#### APPOINTMENT OF WAYWARDENS AND ASSISTANT SUPERINTENDENTS.

10—(1) The Parochial Board of each parish may from time to time appoint and remove as many Waywardens as they shall deem necessary in each district, and every Waywarden so appointed may take upon himself and perform the several duties hereby imposed upon him: Provided, that every such Waywarden shall be resident near, and interested in the condition of the particular road or roads for which he shall be appointed.

Appointment, removal, and qualification of Waywardens.  
S. 6 of 29 of 1873.  
S. 7 of 12 of 1888 amended.

(2) All Waywardens appointed in any parish shall be subordinate to the Superintendent of Parochial Roads and Works and act as his assistants and subject to his directions and instructions.

11—No member of a Parochial Board and no Waywarden shall be entitled to any remuneration or fee of any kind or nature whatsoever for his services under this Law.

As to pay of Waywarden.  
S. 7 of 29 of 1873.

12—The Parochial Board of each parish may from time to time appoint as many Assistant Superintendents as they may deem necessary, to superintend the execution of the works ordered by the said Board or by the Waywardens, to be executed. Every such Superintendent shall hold office during the pleasure of the Board, and shall, whilst holding office, be entitled to draw salary at such rates as the Board may determine with the approval of the Governor.

Appointment and salary of Assistant Superintendents.  
S. 8 of 29 of 1873 amended.



## DUTIES AND POWERS OF PAROCHIAL BOARDS.

Powers of Parochial Boards.  
S. 9 of 29 of  
1873.

13—It shall be lawful for the Parochial Boards of the several parishes to cause surveys for new roads to be made, and to give directions for the repairing of the roads, streets, bridges, highways, and watercourses, and for the immediate removal of all nuisances therefrom, and for the prosecution of such offences against the provisions of this Law as in their opinion ought to be prosecuted.

Certain powers of a surveyor exercisable for road purposes by the Superintendent of Parochial Roads and Works when authorized by the Board.  
S. 1 of 12 of  
1888.

14—It shall be lawful for the Parochial Board of any parish to authorize the Superintendent of Parochial Roads and Works of such parish, though not a commissioned surveyor, to enter on lands, and properties for all purposes for which it might authorize a commissioned surveyor to do so, and thereupon it shall be lawful for such Superintendent, on giving the notice required by Law, to enter on lands and properties accordingly; and any person wilfully obstructing any survey by any Superintendent as aforesaid, authorized as aforesaid, shall be punishable in the same way as if such Superintendent were a commissioned surveyor.

Boundaries of Parochial bridle road.  
S. 2 of 12 of  
1888.

15—Unless in any case the contrary appear, the boundary of any parochial bridle road shall be the fence or bank or precipice running along it on either side when such fence, bank or precipice, is within six feet of the centre of the roadway, measuring in a direction at right angles to the road; and where there is no such fence, bank or precipice, then the boundary shall be a line at all points six feet from the centre of the roadway, measuring as aforesaid.

Appropriation of Parochial Road Fund.  
S. 3 of 12 of  
1888.

16—The Parochial Board of each parish may, at any meeting held after the first day of October in each year and before the first meeting in January, allot a sum not exceeding four-fifths of the whole amount applicable within the year for parochial road purposes within such parish, among the several districts of the parish, for repairs and maintenance of parochial roads and bridges

within such districts respectively. The residue of the moneys aforesaid not so allotted shall be retained for subsequent allotment from time to time by the Parochial Board or special grants for repairs from time to time under the authority of the Parochial Board as unforeseen requirements become known.

17—It shall be lawful for the Parochial Boards to enter into contracts, with any one or more person or persons, for repairing and keeping in repair, for one or more years, any roads or bridges, or portions of roads or bridges : Provided, that the moneys to be payable in any year under any such contracts shall not exceed the sum allotted or apportioned to the roads or bridges, or portion of road or bridge, the subject of any such contract; and that such repairs shall be subject to the inspection and approval of the member or members of the Parochial Board for such district or division : And provided also that it shall not be lawful for the Parochial Boards to lay out or expend, or to direct the expenditure of, any larger sum in the whole upon the roads and bridges of their respective parishes in any one year, than shall have been sanctioned and appropriated for that purpose.

Powers of Parochial Boards to contract as to repairs of roads. S. 11 of 29 of 1873.

18.—The Parochial Boards shall cause mile marks of stone, wood or iron to be erected on such roads as they may think proper, at the distance of one mile from each other, with such legible inscription as they shall judge necessary; and also shall cause guide posts to be erected at the intersections of such roads as they shall think proper, and guide posts in watercourses, to show the height of water therein, and shall keep in repair all mile marks and guide posts.

Mile marks and guide posts. S. 12 of 29 of 1873.

19—In the case of a parochial road of general thoroughfare to different parts of the Island, no alteration shall be made by the Parochial Board of any parish through which such roads shall pass, in the classification of any such road, by converting it into a lower class, with consequent diminution of the allotment of road money thereon, without their giving three months' previous notice of any such

As to lowering the classification of parochial road of general thoroughfare into other parishes. S. 13 of 29 of 1873.



intended alteration, with the reasons for the same, to the Parochial Board of the adjacent parish or parishes through which such road shall pass; and if the Parochial Board of any parish through which such road shall pass shall object to such alteration, they shall communicate such objections, with their reasons, to the Parochial Boards of the several parishes interested in the road in question; and in case the Parochial Boards of all the said parishes shall not agree, the reference and objections, with their respective reasons, shall be submitted to the Governor for his direction, and his decision in the matter shall be final.

As to complaints  
of neglect of any  
such road.  
S. 14 of 29 of  
1873.

20—It shall be competent for any Parochial Board to appeal to the Governor, when it shall appear to them that the interests of the public are affected by the neglect of any road of general thoroughfare by the Parochial Board of any adjacent parish through which such road may pass, and it shall be lawful for the Governor to determine whether such road shall or shall not be forthwith repaired out of the funds at the disposal of the Parochial Board of the parish where such neglect shall have occurred.

As to laying out,  
altering, or dis-  
continuing a  
road.  
S. 15 of 29 of  
1873.

21.—Any six freeholders in any parish may apply to the Parochial Board of the parish to alter or discontinue any road or to lay out a new road; such application to be in writing, addressed to the Parochial Board and signed by the persons applying, and the Board shall take such application into their consideration.

Preliminary  
notices, how,  
and on whom  
to be served.  
S. 16 of 29 of  
1873.

22—Before the Parochial Board shall come to any determination on any such application, they shall cause notice, in writing, to be given to the occupants and owners of the land through which such proposed alterations or new road are or is intended to pass, and also to the occupants and owners of the land through which any such road shall then run, of the time and place at which they will meet to decide upon such application; such notice to be served, at the expense of the applicants, by delivering the same personally to every such owner or occupant,

or, in case of absence, by leaving the same at his dwelling-house, at least seven days before the day appointed for such meeting.

23—The Parochial Board shall, if they think fit to entertain the application, either before or after giving the notice required by section 22 of this Law, grant a warrant to authorize a commissioned surveyor, employed by the applicants, to enter on all lands and properties, to take the levels and make the necessary traverses and surveys to enable him to make the plans and sections of the said new roads, or alterations of any roads in the parish; and, after three days' notice in writing has been given to the occupiers of such lands and properties, such surveyor and his assistants may enter thereon for the purposes aforesaid, and any person or persons wilfully obstructing such survey shall be liable to a fine of five pounds, on being convicted thereof before any two Justices of the Peace of the parish.

As to authorizing a surveyor to enter lands, and make surveys for roads S. 17 of 29 of 1873.

24—Whenever the Parochial Board shall have issued, or shall propose to issue, a notice under section 22 of this Law, it shall be lawful for them to appoint a committee of their Board, consisting of three members of the Board at the least, which committee shall at such meeting, or an adjournment thereof, hear any reasons that may be offered for or against any such application as shall be the subject of such notice, and if they shall determine to entertain the same, either wholly or in part, they shall report the same to the General Board for confirmation; and, if confirmed, the said members shall make out and subscribe a certificate of such their determination, which certificate shall contain, or be accompanied by, a plan of the road intended to be altered, and of the intended alterations thereto, or of the road intended to be discontinued, or of the new road intended to be laid out, such plan to be furnished by the applicants. The Board shall forthwith give notice thereof to the owners or occupiers of all lands concerned. Such certificate and plan shall remain with the Clerk of the Board; and it shall be the

As to appointing a committee to hear and report on application. S. 18 of 29 of 1873.



duty of such Clerk to exhibit the said certificate and plan to any person who may require to examine them.

Owner, etc., to deliver statement of title, and any claim to compensation.  
S. 19 of 29 of 1873.

25—Every owner or occupier of lands through which the line of road or alteration shall pass, shall, prior to the expiration of twenty-one days from the date of the said certificate, deliver to the said Parochial Board a statement of his title to the land, and of the compensation which he claims for the damages to be by him sustained.

Contracts as to compensation and title.  
S. 20 of 29 of 1873.

26—It shall be lawful for the said Parochial Board and the owners and occupiers of any land through which such road or alteration shall pass, to agree upon the amount to which such owners or occupiers shall be entitled for damages, and for a grant of the land required, and for a release of all claims to damages.

How title and compensation to be ascertained when no contract made.  
S. 21 of 29 of 1873.

27—If no agreement as last mentioned shall be made, or claim delivered as aforesaid, it shall be lawful for the Parochial Board, at any time after the expiration of fifteen days from the time when such claim ought to have been delivered, to refer the assessment of damages and the title of the parties to the adjudication of the Resident Magistrate of the parish wherein the land to be taken is situated, who shall have power to hear witnesses, and to determine all questions which shall be so submitted to him, and to give judgment thereon, which judgment shall be final; and all damages which shall have been fixed by agreement, or awarded as aforesaid, shall be paid by the said Board, out of the funds at their disposal, before laying out or commencing the road, and no person shall be entitled to damages under this Law until such road shall have been laid out and commenced.

Allowance where old road and alteration pass through land of same owner.  
S. 22 of 29 of 1873.

28—When any person shall be the owner of any land over which any new road, or any alteration of an existing road, shall be made, and also owner of the soil of any portion of the road proposed to be altered, or to be discontinued in whole or in part, the Resident Magistrate of the parish, in the assessment of damages shall take into consideration the value of the road so abandoned, or

of such part as will be abandoned, and the benefit to result to the owner therefrom, and shall deduct the same from the damages which otherwise would have been assessed, and it shall be lawful for the owner of the land so abandoned, to enclose the same.

29—On payment or tender of the amount of damages which shall have been agreed upon or assessed as aforesaid, or in the absence of the owner, or his representative, or if he shall not be known, on payment of such damages to the Treasurer, it shall be lawful for the said Parochial Board, in the case of unenclosed and uncultivated land at once, and in the case of enclosed or cultivated land after the expiration of ten days from the date of such agreement, payment, or tender, to enter upon the said land and cause the said road or portion of road to be commenced and proceeded with.

When road or alteration may be commenced.  
S. 23 of 29 of 1873.

30—All moneys paid to the Treasurer shall be kept by him without interest, until claimed by the party entitled thereto.

Deposit in Treasury, how kept.  
S. 24 of 29 of 1873.

31—If the Parochial Board of any adjacent parish shall, at any time before the matter shall be brought before the Resident Magistrate of the parish, give to the Parochial Board of the parish in which proceedings shall be pending for the laying out of any new road, or the alteration or discontinuance of an existing road, notice in writing that the proposed alteration or discontinuance or new road will prejudicially affect the roads of such adjacent parish, it shall not be lawful for the Parochial Board of the parish in which the proceedings shall have been commenced to proceed further therewith, until the Board of the adjacent parish shall have withdrawn their opposition, or until on reference to the Governor he shall have decided whether the proposed alteration, or discontinuance, or new road shall be made.

As to objections from adjacent parishes to any new road, or alteration or discontinuance of a road.  
S. 25 of 29 of 1873.



Copy of proceedings to be recorded in office of Deputy Keeper of Records.  
S. 26 of 29 of 1873 amended.

32—A copy of the proceedings and judgment in the Resident Magistrate's Court, certified under the seal of the Court, and the certificate and plan, and every agreement, grant, and release which shall be entered into with the said Parochial Board, shall respectively be recorded by the Board in the office of the Deputy Keeper of the Records, and all expenses connected therewith shall be borne by the applicants.

Expenses, how borne, and deposited.  
S. 27 of 29 of 1873.

33—The expenses of all proceedings under this Law shall be borne by the party or parties at whose instance application shall have been made for the laying out, altering, or discontinuing of any road: And the Parochial Boards may require the applicants from time to time to deposit with them such sums of money as may be necessary to complete the proceedings under this Law.

Fees of Resident Magistrate's Court and of Deputy Keeper of Records.  
S. 28 of 29 of 1873.

34—There shall be paid for Court fees on proceedings in the Resident Magistrate's Court under this Law the sum of one pound; and to the Deputy Keeper of the Records, for recording the proceedings, after the rate of one shilling and sixpence for every sheet of one hundred and sixty words: And one shilling and sixpence for each division of the plan or diagram.

Powers of the Parochial Boards as to altering roads or laying out new roads.  
S. 11 of 12 of 1888.

35—It shall be lawful for the Parochial Board of any parish, without receiving any application from freeholders, to come to a resolution that it is expedient to consider the advisability of altering or discontinuing any road, or laying out a new road, and thereupon such Board shall proceed as if application had been made to it under the provisions of section 21 of this Law, and it had thought fit to entertain such application: Provided always that in any case it shall be lawful for the Board, if it shall see fit, out of the moneys at its disposal applicable to the repair and maintenance of the roads, to pay the charges of the Commissioned Surveyor authorized by it to enter on lands and properties under section 23 of this Law.

36—Whenever application shall be made to a Parochial Board for any private road, and they shall be of opinion that such application is reasonable and well founded, the same mode of proceeding shall be adopted in every respect as in the case of a highway, but the damages awarded, and the expenses of such road, and the maintenance thereof, shall be paid by the party applying for the road.

Private roads, as to proceedings for, and expenses of same.  
S. 29 of 29 of 1873.

37—Every such private road, when so laid out, shall be for the use of the applicant, his heirs and assigns, but not to be converted to any other use or purpose than that of a road; and such applicant shall be compelled to keep up and maintain fit and proper fences on each side of such road.

Use and maintenance of private road.  
S. 30 of 29 of 1873.

38—In every case where the Parochial Board of any parish shall in accordance with the provisions of this Law have determined to discontinue any road, then, if within ten years thereafter the said determination shall not have been revoked, such road shall cease to be a public road, and all rights of way over the same shall cease, and the owners of the adjoining lands may enclose the same: Provided always that if any such road, after such determination as aforesaid, shall be used and kept in repair by any private person or persons, such person or persons, or his or their heirs and assigns, continuing to repair the same shall be entitled to continue to use the same by himself, his servants, carriages and horses and stock, in the same manner as he or they had usually previously used the same.

Discontinuance of parochial roads.  
S. 13 of 12 of 1888.

39—All highways now in use, laid out under and allowed by any Law of this Island, of which a record shall have been made in the office of the Deputy Keeper of the Records, shall be deemed highways, and shall only be altered or discontinued by proceedings taken in conformity with the provisions of this Law.

As to highways now in use, how altered or discontinued.  
S. 32 of 29 of 1873. S. 14 of 12 of 1888.



Private roads not to be taken over by the Boards until completed.  
S. 4 of 12 of 1888.  
S. 2 of 31 of 1893.

40—In cases in which lands are laid out by the owner or owners thereof with roads, streets or lanes, intersecting the same, such roads, streets or lanes, shall not be taken over or repairable by the Parochial Board until the owner or owners of such lands shall have thoroughly constructed the same to the satisfaction of the Parochial Board and the owners of any such lands shall also pay all the costs of and incident to the transfer of such roads, streets and lanes, to the Parochial Board.

Notice required before fencing or building along the boundary of a parochial road.  
S. 5 of 12 of 1888.

41—(1) Every person intending to erect any fence or building along or near the boundary, or within thirty feet from the centre line, of a parochial road shall mark out on the ground, by means of pegs or in other sufficient manner, the line on which such fence or building is to be made, and having done so shall give ten days' notice to the Superintendent of Parochial Roads and Works of his having done so, and of his intention to make such fence or building as aforesaid along the said line, before commencing to make such fence or building as aforesaid.

(2) For the purposes of this section the word "fence" shall include hedge or wall.

(3) Kingston is exempt from the operation of this section.

Consent of Superintendent to erection of fence or building to be reported to the Board.  
S. 10 of 12 of 1888.

42—Every consent of the Superintendent of Parochial Roads and Works to the erection of any fence or building along or near the boundary, or within thirty feet from the centre line, of a Parochial Road shall be in writing, and shall be reported by him to the Parochial Board within three days after such consent shall have been given.

Width of roads.  
S. 33 of 29 of 1873.  
S. 12 of 12 of 1888.

43—(1) The width of all public carriage roads already made, or which hereafter may be laid out by the Parochial Board, shall, if practicable, be twenty-four feet when made through open ground, sixty feet through standing wood, and forty feet when the wood is only on one side, and no private road shall be more than forty feet wide.

(2) Notwithstanding anything to the contrary in this section contained, it shall be lawful for the Parochial Board of any parish to lay out any public carriage road of a less width than that laid down in this section.

44—All streets to be hereafter laid out by the Parochial Board in any town, shall be not less than forty feet wide, and all lanes not less than twenty feet wide.

Width of streets and lanes in towns.  
S. 34 of 29 of 1873.

45—The Parochial Board of any parish shall have power, if they think fit, to open all carriage roads to the width hereinbefore mentioned, which shall have been used as highways for twenty years.

Power to widen existing road.  
S. 35 of 29 of 1873.

46—It shall be lawful to alter any road, or to lay out a new road, and to pay the damages in respect thereof, whenever the said Parochial Board shall have funds at their disposal.

When road may be laid out or altered.  
S. 36 of 29 of 1873.

17—(1) The Superintendent of Parochial Roads and Works may divert the traffic from any parochial road, whilst the same is under repair or impassable, on to uncultivated land without notice to the owner or occupier thereof, and on to cultivated land after giving to the owner or occupier thereof at least twenty-four hours' notice in writing of his intention so to do.

Power to temporarily divert the traffic of a parochial road.  
S. 6 of 12 of 1888.

(2) In exercising the powers conferred by this section the Superintendent of Parochial Roads and Works shall do as little damage as possible to the lands over which such powers are exercised, and shall, as soon as the parochial road aforesaid is repaired so that traffic on it can be resumed, restore and make good all damage done by reason of such diversion.

(3) The Parochial Board shall make compensation to the owners and occupiers, and all other parties interested therein, for all damage sustained from or in consequence of such diversion over any cultivated land, so however that notice in writing of any claim for compensation be given to the Parochial Board within six months after the doing of the thing in respect of which compensation is claimed.



(4) Such compensation shall be settled by agreement or in the manner prescribed by the Lands Clauses Law, 1872.

Power to throw upon adjoining land any earth, fallen upon any road, from landslip or otherwise. S. 1 of 1 of 1882. S. 2 of 1 of 1882.

48—(1) When from a landslip or other cause a quantity of earth, stones or other matter, has fallen upon any road and it is deemed expedient to clear away the same, it shall be lawful for the Parochial Board of the parish or any person acting under their orders, on giving twenty-four hours' notice to the person in occupation of any land adjoining the said road, to clear away the same by throwing it on to such land (the same not being the ground whereon any house stands, or the garden, yard, planted walk or avenue to any house), and for the purpose aforesaid, and for the purpose of repairing any damage thereby done to the said land, to enter thereon and if necessary to break down any fence: Provided always that if the land on which the material is thrown as aforesaid is cultivated or is otherwise reclaimed from its natural state, the parties aforesaid shall clear away the said material from the said land, and otherwise repair as far as practicable any damage they may have done.

(2) Compensation shall be given to the occupier of any land cultivated, or otherwise reclaimed from its natural state, in respect of the temporary use of the said land as aforesaid, and to the owner and occupier according to their respective interest in respect of any permanent damage done to the said land and not fully repaired.

How compensation to be ascertained. S. 3 of 1 of 1882.

49—In case the amount of compensation to be paid is not agreed upon the same shall be assessed, in manner provided by section 27 of this Law.

### *Encroachments.*

Encroachments defined. S. 2 of 18 of 1896.

50—The following shall be deemed to be encroachments on a parochial road :—

- (a) Any fence, building, or construction, erected on or over any part of the road;
- (b) Any tree, or any branch, bough, or other part of a tree, fallen upon or over any part of a road;

- (c) Any tree, branch, bough, or other part of a tree, or any shrub, projecting upon or overhanging the road, or planted, or placed upon the road without authorization from the Parochial Board;
- (d) Any debris or refuse, or the obstruction of any part of the road, remaining or resulting from anything done, by, or on behalf of, the owner or occupier of any land, fence, building, or construction, adjoining the road;
- (e) Any tree, or any branch, bough, or other part of any tree, fallen from any land or fence adjoining a river, or stream, or water course, which shall cause, or tend to cause, the water to flow over, or otherwise to injure the road;
- (f) Any pit, cutting, or excavation, in, upon, or under any land adjoining the road, which may be, or may become dangerous to persons or animals using the road, and which is not sufficiently fenced or otherwise made safe;
- (g) Any stone, earth, timber, or other substance, thrown into or placed in any river, stream, or water course, which shall cause, or tend to cause the water to flow over or otherwise to injure the road;
- (h) Any stone, earth, timber, or other substance, thrown into, or placed in any drain or water course, which shall impede the drainage of water from the road;
- (i) Any artificial canal, conduit, or pipe, from which any water escapes on to any road, owing to the defective construction or maintenance of the same in any part of its course. In any such case the encroachment shall be deemed to proceed from the land on which the canal, conduit, or pipe, is defectively constructed or maintained ;
- (j) Any earth, stone, timber, or other substance, left upon, or deposited upon the road without authorization from the Parochial Board.
- (k) Any gate erected or maintained on the road without the permission of the Parochial Board, or



after such permission shall have been revoked by such Board, or without a watchman being kept constantly near to the gate, whensoever the same shall be shut, for the purpose of opening it when required by any person using the road;

- (l) Any penguin fence erected after the tenth day of April, 1896, abutting on the road and not having the penguins planted on the top of a wall or earthen bank not less than two feet in height, or a fence of wood, or iron wire, fixed between the penguins and the road;
- (m) Any penguins spreading themselves from any penguin fence, so as to extend over any part of a road;
- (n) Any pipe, drain, or conduit, discharging water on to the roadway of any Parochial Road from any house or premises adjoining such road.

Notice to remove  
encroachments.  
S. 3 of 18 of  
1896.

51—(1) Whenever there shall exist any encroachment on a parochial road, the owner or occupier of the land, fence, or construction, from which such encroachment proceeds, or the owner of the thing constituting the encroachment, shall after receiving a notice thereof in writing signed by the Clerk of the Parochial Board by order of the Board, forthwith remove or abate the same at his own cost.

(2) The notice shall specify the nature of the encroachment, and state a reasonable time within which it must be removed.

(3) At the expiration of the time specified in any such notice, or without any such delay, if the encroachment endangers, or impedes, or threatens, or is likely to endanger, or impede, the traffic on the road, or the drainage of the road, the Superintendent of Parochial Roads and Works may, if so ordered by the Parochial Board, remove the encroachment, or cause it to be removed, in such manner as he may think fit.

52—Where the Parochial Board directs the removal of an encroachment:—

Power for removal of encroachments by direction of Parochial Board S. 4 of 18 of 1896.

- (a) If the encroachment cannot be conveniently removed without entering on the land from which it comes, the Superintendent of Parochial Roads and Works may, with any necessary assistants, enter for the purpose without giving any further notice;
- (b) Neither the Parochial Board, nor any person acting under their authority in the removal, shall be liable for damage occasioned thereby, unless the same is caused by their or his neglect or default ;
- (c) The cost of the removal shall be paid by the owner or occupier of the land from which the encroachment proceeds, or of the thing constituting the encroachment, and shall be recoverable, together with the costs of recovery, in the same way as penalties are recoverable under section 100 of the Lands Clauses Law, 1872;
- (d) Anything constituting the encroachment shall be forfeited, and the Parochial Board may sell or otherwise dispose of it, unless the owner previously redeems it by payment of the full costs of removal ;
- (e) Whenever such thing constituting the encroachment is disposed of by the Parochial Board, the net proceeds, after deducting all costs of removal and disposal, shall be credited to the owner or occupier liable for costs of removal, and shall be allowed in the settlement of such costs, and any excess of net proceeds over costs shall be paid to such owner or occupier.

#### OBSTRUCTIONS IN ROADS AND STREAMS.

53—If any tree shall fall into any highway, so as to cause obstruction thereon, such tree shall be removed by the owner or occupier of the land from which such tree shall have fallen, within twenty-four hours after notice to remove the same: and, if such owner or occupier shall

As to case of tree falling upon a highway. S. 39 of 29 of 1873.



neglect to remove such fallen tree, then any Superintendent, Waywarden, or Member of the Parochial Board of the district, or division shall cause the same to be removed at the expense of such owner or occupier, and such owner or occupier shall be liable to a penalty of five shillings for every day after the expiration of such notice during which the same shall have remained unremoved, which expenses may be recovered as penalties are herein directed to be recovered; and if any person shall wilfully place any tree or other obstruction on any highway, he shall be liable to a penalty not exceeding five pounds for every offence.

As to trespasser cutting a tree so as to fall on highway, etc.  
S. 40 of 29 of 1873.

54—In case any person shall, unless by the order or consent of the owner or occupant, cut down any tree on land not occupied by him, so that it shall fall into any highway, river, or stream, he shall be liable to a penalty not exceeding five pounds, nor less than one pound, for each offence.

As to cutting tree so as to obstruct highway or water-course.  
S. 41 of 29 of 1873.

55—Whoever shall cut, or cause to be cut down, any tree, so that the same shall fall into any river, stream, or water-course, or obstruct any road, or fording, or divert the river course so as to encroach upon or injure, or tend to injure any highway, or any bridge, and shall not remove the same out of such river, stream, water-course, or road within twenty-four hours after notice thereof, shall forfeit a sum not exceeding five pounds for each offence.

Who to trim trees and fences near highway.  
S. 42 of 29 of 1873.

56—The owner or occupier, or his agent, attorney, or overseer, respectively, of the land next adjoining to every road or bridge shall cut, prune, or lop the fences, and also cut, prune, or lop the branches of trees, bushes, or shrubs growing in or near such fences of the land adjoining as aforesaid (such fences, trees, or shrubs not being in any garden, or orchard, walk, or avenue to any house, such trees, bushes, or shrubs, not being an ornament or shelter to a house, unless the same shall hang over the road or bridge, or any part thereof, so as to impede or annoy any carriage or person travelling thereon), in such manner that the road or bridge shall not be prejudiced

by the shade thereof, and that the sun and wind may not be excluded from such road or bridge to the damage thereof; and if within fourteen days after notice given in writing for that purpose by any Member of a Parochial Board, Waywarden, or other person thereunto authorized for the time being for any parish respectively, any such owner or occupier, his agent, attorney, or overseer, shall not cut, prune, or lop, or cause to be cut, pruned or lopped such fences, or cut down or lop, or cause to be cut down or lopped, such trees, branches of trees, bushes, and shrubs in manner aforesaid, the Waywarden, or other person appointed, or to be appointed as aforesaid, in case of default by any owner or occupier, his agent, attorney, or overseer as aforesaid, is hereby required to cause to be cut, pruned, or lopped such fences, trees, branches of trees, bushes, and shrubs in manner aforesaid; and such owner or occupier, his agent, attorney, or overseer shall be charged with, and shall pay the charges and expenses of doing the same; and in default of payment thereof, the said charges and expenses may be recovered, together with the costs, if any, incurred on the proceeding, as any penalty under this Law : Provided, that nothing herein contained shall apply to roads passing through unfenced runs of woodland.

57—No swinging or other gates shall be allowed on any highway, laid out since the twenty-eighth day of February, 1854, or to be hereafter laid out, unless a written permission to erect such gates shall have been previously obtained from the Parochial Board: Provided that nothing in this Law shall be construed to give or recognize any right to erect any such gates, or to interfere with any rights now enjoyed or possessed by any persons who have erected, or have the right to erect, gates on roads running through their lands: Provided also, that nothing herein contained shall authorize any Parochial Board to grant any permission to erect a gate across any post road.

When gates  
allowed.  
S. 43 of 29 of  
1873.



Penalty for  
wanton injury to  
bridge or high-  
way.  
S. 44 of 29 of  
1873.

58—Whoever shall wantonly injure any public bridge or highway shall, for every such offence, forfeit a sum of sixty pounds.

### REPAIRS.

Powers to cut  
drains and  
obtain materials  
for repairs.  
S. 45 of 29 of  
1873.

59—It shall be lawful for the Parochial Boards, or for any person acting under their orders, in conducting and superintending the repairs of any road, street, or bridge, or of any private road annually repaired at private expense, and kept open for the use of the public, to cut drains on lands adjoining any road, street, or bridge, for the purpose of carrying off the water collected on such road, and to dig and carry away gravel, stone, sand, or other materials out of any savannah, unenclosed, or open land, river, or gully, being waste land, in or near such road, street, or bridge, as shall be proper for draining, repairing, and mending the same, without paying anything for the same, such persons levelling, or causing to be levelled, all holes and pits where any such materials shall be dug, and from whence the same shall be carried away; and where there is not sufficient of such materials to be conveniently obtained from any savannah, waste, and unenclosed or open lands, rivers, or gullies in the neighbourhood, it shall be lawful for such persons so employed as aforesaid by order of any Parochial Board, to cut drains, and to dig and carry away gravel, stone, sand, or other materials, out of the grounds or enclosures of any person or persons (not being the ground whereon any house stands, or the garden, yard, planted walk, or avenue to any house, or any parcel of provision ground), wherein such drain may be necessary for keeping the road in good order or whereon any such materials are or may be found, and, from time to time to carry so much thereof as the persons so employed shall judge requisite for draining or keeping in repair and mending such road, street, or bridge, paying such rates for such materials, and for the damage done to the owners and occupiers respectively of the grounds where and whence the same shall be dug and carried away, or over which the same shall be carried, as the

Parochial Board shall judge reasonable; and if any person shall molest, hinder, or obstruct the person so employed, in cutting any drains, or in digging or carrying away any gravel, stone, sand, or other materials as aforesaid, the person so offending shall, for every such offence, forfeit a sum of ten pounds.

60—If any person shall, without the consent of the Parochial Board, take away any materials which shall have been purchased, or gathered for the repair or use of any road, street, or bridge, or take away materials out of any quarry or pit which shall have been made, dug, or opened for the purpose of getting materials for any road, street, or bridge, every such person so offending shall, for every offence, forfeit and pay a sum of ten pounds: Provided, that nothing herein shall prevent the person in possession of the land on which such quarry or pit is situate from digging and removing materials thereout for his own use.

Penalty for unlawfully removing materials for repairs.  
S. 46 of 29 of 1873.

61—If any corporation, society, or company for supplying any city, town, or other place with water, shall dig, or cause to be dug in any road, street, lane, or thoroughfare, any trenches or holes for laying down or repairing any water pipe, or plug, or other thing connected therewith, and shall keep the same, or cause or permit the same to be kept open for a longer period than shall be reasonably requisite or necessary, or shall cover over or fill up the same, or cause or permit the same to be covered over or filled up, in an imperfect manner, or shall occasion or suffer, or permit to be occasioned, any damage or injury to any road, street, lane, or thoroughfare, by reason of the imperfect state or want of repairs of any such pipe, or plug, or other thing connected therewith, every such corporation, society, or company shall, for every such offence, forfeit a sum of twenty pounds over and above the expenses to be incurred in the repairs of such road, street, lane, or thoroughfare, to be recovered as hereinafter mentioned.

Offences in laying down or repairing pipes in thoroughfares.  
S. 47 of 29 of 1873.



## OFFENCES.

## Offences.

S. 8 of 12 of  
1888.S. 1 of 11 of  
1892.S. 1 of 18 of  
1897.

Law 18 of 1902.

S. 2 of 11 of  
1908.

Law 18 of 1908.

62—Any of the following persons shall be guilty of an offence against this Law, and shall be liable, on summary conviction before any two Justices of the Peace, to penalty of the amount herein specified in respect of such offence:—

- (1) Any owner or occupier of land from which any encroachment proceeds, or the owner of anything constituting any encroachment, who after due notice shall not within the time specified in the notice have removed such encroachment—five pounds.
- (2) Any person who hinders or obstructs the Parochial Board, or any person duly authorized by them, while acting under the provisions of this Law—ten pounds.
- (3) Any person who cuts down any tree so that the same falls into a parochial road or obstructs a parochial road, or diverts a river, stream, or water-course, so as to make it encroach upon or injure a parochial road, and does not forthwith set about to remove the same—five pounds.
- (4) Any person who, without permission from a Parochial Board, takes any materials from any road, or from any quarry, or excavation, or place of deposit, made and used in connection with the undertaking—five pounds: Provided that nothing herein shall prevent the person in possession of the land on which such quarry or excavation is situate, or any person authorized by him, from digging materials therefrom and carrying away the materials so dug.
- (5) Any driver of a carriage who rides upon that or any other carriage, or upon the shafts thereof, or upon any beast drawing the same, on any parochial road, without having some other person on foot to guide such carriage or unless the same is or are effectually guided and controlled by the driver thereof by means of reins—two pounds.

- (6) Any driver of a carriage who leaves the same standing upon any parochial road without some proper person to hold the beast or beasts attached to the same, or who is negligently or wilfully at such a distance from the carriage, or in such a situation, that he has not proper control over the beast or beasts attached to the same—two pounds.
- (7) Any driver of a carriage who, by negligence or misbehaviour, causes hurt or damage to any person's horse, cattle, carriage or goods, on any parochial road—two pounds.
- (8) Any driver of a carriage, or of any horses, mules or other beasts of draught or burden, on any parochial road who, when meeting or being overtaken by any other carriage or beast of burden or draught, does not keep his carriage or horses, mules or beasts of draught or burden, on the left or near side of the road, except when in the act of passing another carriage, horse, mule, or beast of draught or burden going in the same direction—two pounds.
- (9) Any person who wilfully or negligently prevents, hinders or intercepts, the free passage of any other person, or any carriage or beast, on any parochial road, or who draws up any carriage in such manner as to obstruct the free passage along the road—two pounds.
- (10) Any person who rides or drives furiously on any parochial road or in a manner dangerous to other persons using the road—five pounds.
- (11) Any person who wilfully or through negligence causes damage to any parochial road, or any wall, bridge, culvert, fence, mile post, guide post, drain or other structure, pertaining thereto—two pounds.
- (12) Any person who, having blocked or scotched the wheel of a carriage, allows the stone or other thing used for the purpose to remain on the roadway after the carriage has moved away—two pounds.



- (13) Any person who draws any logs, stones or heavy articles, upon any parochial road, otherwise than upon a wheeled carriage—two pounds.
- (14) Any person who uses any instrument for retarding the progress of any carriage, whereby the road is unnecessarily injured—two pounds.
- (15) Any person who leaves any carriage upon any parochial road, except in case of an accident, or in that case for a longer time than is necessary to remove the same—two pounds.
- (16) Any driver of a carriage any part of which, or of the lading or any shaft or outrigger of which shall extend laterally more than six inches beyond the axle—two pounds.
- (17) Any person who deposits or leaves any dead carcass, wood, dung or rubbish, or other matter or thing upon any parochial road—two pounds.
- (18) Any person who removes or destroys any barrier placed on a parochial road by the Parochial Board, or any person authorized by them, for the purpose of diverting the traffic—two pounds.
- (19) Any person leading or driving any horse, gelding, mare, filly, mule, or donkey, loaded or unloaded, and not attached to a wheeled vehicle, along any mountain bridle road, and neglecting to have such animal under proper control by means of ropes or reins—two pounds.
- (20) Any person who allows any horned stock, horse, mule, ass, sheep, goat or pig, to be at large on any road, except whilst being lawfully driven along such road—two pounds : Provided that this provision shall not apply to the owner or occupier of any unfenced land any of whose animals as aforesaid are allowed to be at large on the portion of the road that traverses such land.

- (21) Any person riding, driving or being upon any carriage, bicycle, tricycle or other similar machine on a road who contravenes or fails to comply with any of the provisions of section 68 of this Law—two pounds.
- (22) The owner of any horned stock, horse, mule, ass, sheep, goat, or pig tethered on any road, or so tethered as to be able to stray on any road—two pounds.
- (23) Any person who tethers, or allows to be tethered, on any road, or so as to be able to stray on any road, any horned stock, horse, mule, ass, sheep, goat, or pig—two pounds.
- (24) Any person driving or riding, any carriage, who upon overtaking any carriage, or any horse, or other beast of burden, or any foot passenger, being or proceeding along the carriage way, or on approaching a corner, neglects or fails, within a reasonable distance from and before passing such carriage, horse, or other beast of burden, or such foot passenger, or from and before passing such corner, to sound a bell, or whistle, or otherwise give audible and sufficient warning of his approach—two pounds.
- (25) Any person riding, driving or being upon or in charge of any carriage, other than a motor vehicle within the meaning of Law 21 of 1922, who uses, or sounds, a horn operated by means of a pneumatic bulb as a means of giving warning of the approach of such carriage—two pounds.

63—Every person who shall—

- (a) cut away or cause or procure to be cut away any hill side or bank or land adjoining any parochial road, and whether above or below such road, whereby the stability of such road is or may be lessened, or the safety of persons passing along it is or may be endangered;
- (b) work or cultivate, or cause or procure to be worked or cultivated, any part of any hillside

Acts and things prohibited to be done at or near the boundaries of parochial roads.  
S. 9 of 12 of 1888.



or bank on land adjoining any parochial road, and whether above or below such road as aforesaid, within five feet of the boundary of a parochial road, where such hillside or bank slopes more than one foot in three; or

- (c) plant or cause to procure to be planted any coconut tree within thirty feet from the centre line of a parochial road; or
- (d) erect any fence or building along or near the boundary, or within thirty feet from the centre line, of a parochial road without marking out the same and giving the notice by this Law required, or having marked out such line and giving such notice shall, except with the consent in writing of the Superintendent of Parochial Roads and Works, commence to erect such fence or building otherwise than along the line marked out as aforesaid,

shall be guilty of an offence against this Law, and shall be liable to a penalty of two pounds for every such offence.

#### POWER TO DESTROY OR IMPOUND STOCK.

Power to destroy swine.  
S. 49 of 29 of 1873.  
S. 4 of 1 of 1882.

64—(1) It shall be lawful for any member of a Parochial Board to destroy, or cause to be destroyed, any swine found at large on any highway in his district or division.

(2) The Parochial Board of any parish or any person or persons acting under their authority, or any constable, may impound cattle or other stock found straying on a parochial road, or tethered on a parochial road for grazing.

Destruction of swine or goats on parochial roads.  
S. 1 of 11 of 1908.

65—It shall be lawful for the Superintendent of Parochial Roads and Works in any parish, or any person or persons acting under his authority, or any constable, to destroy, or cause to be destroyed, any swine or goats at large on any parochial road: Provided always, that the powers conferred by this section, shall not apply in respect of pigs or goats belonging to, or kept by the owner of any unfenced private land, through, or along which, any such road passes, within the boundaries of such owner's land.

SPECIAL TO THE BLACK RIVER.

66—The Parochia<sup>1</sup> Board for the parish of Saint Elizabeth are hereby authorized and required, out of the funds now or at any time at their disposal for the maintenance of the parochial highways, to provide for the cleaning, clearing, and keeping navigable the Black River, in the said parish, and all the powers vested in the Parochial Board, or any officers, or persons employed or authorized by them, and all penalties, liabilities, and other obligations imposed in respect of any roads or bridges, shall or may be exercised, and are hereby imposed, and may be enforced, so far as the same shall be applicable in respect to the said Black River, for the purpose of cleaning, clearing, and keeping navigable the same.

Power and duty to keep Black River navigable S. 51 of 29 of 1873.

67—Whosoever shall wilfully fell any tree, or cast, or cause the same to be cast, or any cane trash, or earth, or other matter or thing whatsoever into the Black River, whereby the navigation thereof may be stopped or impeded, shall forfeit and pay a sum of sixty pounds one half thereof to be paid into the hands of the Treasurer to the credit of the Parochial Board of the said parish, to be expended in the cleaning, clearing, and keeping navigable of the said river, in such manner as the Parochial Board may direct.

Penalty for impeding navigation in Black River. S. 52 of 29 of 1873.

LIGHTS ON CARRIAGES IN USE ON ROADS.

68—(1) On every carriage in use on a road within the period specified in this section, save as in sub-section (2) of this section mentioned,

Lamps and lights on road during specified period.

- (a) two front lamps at least shall be carried and shall be so constructed and affixed on the outside of the carriage as to show when lighted white lights adequate to signal the approach or position of such carriage; one of such lamps shall be placed on the extreme right or off side, and the other on the extreme left or near side of the carriage, and in such a position as to be free of all obstruction to the light;



- (b) except where the front lamps when lighted exhibit red lights visible from the rear within a reasonable distance, a tail lamp shall be carried so placed and in such a position, free of all obstruction, as to exhibit when lighted a red light visible in the reverse direction at a reasonable distance.

Provided it shall be sufficient for a cart, waggon or dray to be fitted with one lamp so placed as to exhibit to the traffic on the road a white light adequate to signal the approach or position of such cart, waggon or dray and a red light visible within a reasonable distance in the reverse direction.

(2) On every bicycle, tricycle, or other similar machine, when in use on a road within the period specified in this section, one front lamp at least shall be carried, so affixed thereto as to show when lighted a white light adequate to signal the approach or position of such machine and a tail lamp so placed and in such a position, free of all obstruction, as to exhibit a red light visible in the reverse direction at a reasonable distance.

Provided it shall not be necessary to carry a lamp showing a red light to the rear if such machine has attached thereto an unobscured and efficient red reflector.

(3) Every such lamp shall be kept properly trimmed and ready for lighting and shall be lighted when the carriage, bicycle, tricycle, or other similar machine is in use on any road during the period between one half hour after sunset and one half hour before sunrise.

(4) Notwithstanding anything in this section contained when a carriage is stationary it shall be sufficient for the same to be fitted with one lamp so placed as to exhibit on the side of the carriage exposed to the traffic on the road a white light visible within a reasonable distance in the direction in which the carriage is intended to proceed, and a red light visible within a like distance in the reverse direction.

#### LEGAL.

No stamp duty.  
S. 53 of 29 of  
1873.

69—No deed, contract, or agreement, nor any proceeding to be executed or entered into, or taken under or by virtue of the provisions of this Law, shall be subject or liable to any stamp duty.

70—All penalties imposed by this Law shall be recovered in a summary manner before the Resident Magistrate for the parish, or any two Justices not being members of the Parochial Board for such parish; and, in default of payment thereof, it shall be lawful for such Resident Magistrate or Justices to direct the offender to be imprisoned with or without hard labour for any period of time not exceeding six calendar months, unless any such penalty be sooner paid, and the penalties, when recovered, shall be paid to the Treasurer in aid of the funds for the general road expenditure of such parish: Provided, that it shall be lawful for the Resident Magistrate or Justices, before whom any conviction shall be had, to award such part of any such penalty as he or they may deem proper, not exceeding one moiety thereof, to any person or persons who shall have contributed to the conviction of any offender, in such shares and proportions as he or they shall think fit.

Penalties how recovered.  
S. 54 of 29 of 1873.

71—(1) It shall be lawful for any member of the Parochial Board, or officer appointed by the Parochial Board, and for any constable, policeman or peace officer and for all persons whom they shall respectively call to their assistance, to take into custody without warrant, any person who shall, within view of any such member of a Board, officer, constable, policeman, or peace officer, commit any offence enumerated in this Law, to be dealt with according to Law, as the circumstance of the case may require.

Powers of summary arrest.  
S. 55 of 29 of 1873.  
S. 2 of 11 of 1892.

(2) The power of arrest conferred by this section on a constable shall extend to cases where although any such offence has not been committed in his view, such constable is informed by some person known to him that such offence has been committed in the sight of such person, and is required by him to arrest the offender. Provided that no constable shall arrest any person on the information of any other person as aforesaid unless he shall take both the informer and the person accused to the nearest police station that the informer may sign the charge sheet, or before a Justice of the Peace for the purpose of laying an information.



(3) No person shall be liable to be arrested under this section if, on demand, he shall give his name and address unless the constable or other person having power of arrest under this section has reason to believe and believes the name and address given to be false.

Commencement  
of prosecutions.  
S. 56 of 29 of  
1873.

72—The prosecution of offenders punishable in a summary manner under this Law shall be commenced within six calendar months after the commission of any such offence, and not later.

Restriction as  
to action against  
persons acting  
under this Law.  
S. 57 of 29 of  
1873.

73—Any action or prosecution against any person for any act done in pursuance or execution, or intended execution of this Law, shall be laid and tried in the parish or district where the act was done, and shall be commenced within three months after the act was done, and not otherwise.

Notice in writing of every such action, and of the cause thereof, shall be given to the intended defendant one month at least before the commencement of the action.

In any such action the defendant may plead generally that the act complained of was done in pursuance, or execution, or intended execution of this Law, and give the special matter in evidence at any trial to be had thereupon. The plaintiff shall not recover if tender of sufficient amends is made before action brought, or if a sufficient sum of money is paid into Court after action brought.

If a verdict passes for the defendant, or if the plaintiff becomes non-suited, or discontinues the action, or if otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and shall have the like remedy for the same as any defendant has by Law for costs in other cases.

Though a verdict is given for the plaintiff he shall not have costs against the defendant unless the Judge before whom the trial is had certifies his approbation of the action.

# MISCELLANEOUS.

74—The term “Parochial Board” or “Board” means the Parochial Board of each parish and shall include, with reference to the parishes of Kingston and St. Andrew, the Kingston and St. Andrew Corporation constituted under the Kingston and St. Andrew Corporation Law, 1931.

Definitions.  
S. 15 of 12 of 1888.  
S. 1 of 18 of 1897. (See S. 3 of 17 of 1901 and S. 230 and Seventh Schedule of 12 of 1931.)

The term “Superintendent of Parochial Roads and Works” in this or any other Law shall include the officer appointed by the Kingston and St. Andrew Corporation to discharge or charged with the performance of the duties of such officer.

The term “Waywarden” in this Law shall mean and include any person to whom the Board may delegate any authority in regard to the maintenance of any parochial road.

The term “Carriage” includes carts, waggons, drays, wheel carriages of every description, bicycles, tricycles and other similar machines.

75—The several forms in the First Schedule hereunto annexed may be used for the several purposes of this Law, so far as the same shall be applicable, and may be modified or altered, as the circumstances may require.

Use of the forms.  
S. 58 of 29 of 1873.

76—The Laws mentioned in the Second Schedule to this Law are hereby repealed to the extent indicated in the third column of the said schedule. Provided that all rules and by-laws made in virtue of the said Laws or any Law thereby repealed and in force at the date of the commencement of this Law shall remain in operation so far as they are not inconsistent with the provisions of this Law until they have been rescinded or replaced by rules or by-laws made under this Law. Provided further that all offices, appointments, orders, notices, documents, proceedings, and generally all acts of authority, which originated under any of the said Laws or any Law thereby repealed and are subsisting and in force at the commencement of this Law, shall enure for the purposes of this Law as fully and effectually as if they had originated under the provisions of this Law.

Repeal.

77—This Law may be cited as the Parochial Roads Consolidation Law, 1931.

Short Title.



## FIRST SCHEDULE.

Appointment  
of Waywarden  
or Assistant  
Superintendent.  
Section 75.

No. (1).—APPOINTMENT OF WAYWARDEN OR ASSISTANT  
SUPERINTENDENT.

At a meeting of the Parochial Board for the parish of \_\_\_\_\_  
held in the said parish on the \_\_\_\_\_ day of \_\_\_\_\_  
A.B., etc., was appointed a \_\_\_\_\_ for the said parish  
(for the district of the said parish, *as the case may be*) for the purpose  
of carrying into execution (in such district or division), the provisions  
of the Law now or hereafter to be in force respecting highways; and  
the said A.B. is hereby required and enjoined faithfully and truly to  
execute his said office.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

*(To be signed by the Chairman and two Members.)*

Notice to Way-  
warden.  
Section 75.

No. (2).—NOTICE TO PERSON OF HIS HAVING BEEN ELECTED  
WAYWARDEN.

Take notice, that at a meeting of the Parochial Board for the  
parish of \_\_\_\_\_ held in the said parish on the \_\_\_\_\_  
day of \_\_\_\_\_ you were appointed one of the Way-  
wardens for the \_\_\_\_\_ district of that parish, and you are  
faithfully and truly to execute the office of Waywarden according to  
Law.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

*(To be signed by the Chairman and two Members.)*

To A.B., of \_\_\_\_\_

Notice to  
remove  
encroachment.  
Section 75.

No. (3).—NOTICE TO REMOVE ENCROACHMENT BY FENCES.

At a meeting of, etc.  
Whereas it hath been made to appear to the said Parochial Board  
that the common highway in a certain place called \_\_\_\_\_  
in the \_\_\_\_\_ district of the said parish, hath been  
encroached upon by fences erected thereon by one A.O. which it is  
necessary should be removed, we do hereby give you notice to remove  
such fences forthwith, which said fences extend \_\_\_\_\_ feet, or  
thereabouts, upon and along such highway, the legal breadth of which  
highway is \_\_\_\_\_ feet, otherwise proceedings will be taken  
against you, according to Law.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

To A.O., of, etc., or

To A.P., of, etc., claiming under the said A.O.

*(To be signed by the Chairman and two Members.)*

No. (4).—NOTICE FROM WAYWARDEN OR SUPERINTENDENT TO  
REMOVE NUISANCE.

Notice to remove  
nuisances.  
Section 75.

In pursuance of the Parochial Roads Consolidation Law, 1931.

I, A.B., of, etc., one of the Waywardens (or  
Superintendent, or Assistant Superintendent as the case may be), of  
the parish of do hereby give you notice  
forthwith to (stating the nuisance complained of, and requiring its  
removal), on a certain part of the King's highway lying between  
and in the  
district of the said parish, to the obstruction  
of the said highway.

Dated this day of , 19

To C.D., of A.B., Waywarden

(or Superintendent, as the case may be).

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No. (5).—FORM OF CERTIFICATE.

I hereby certify that Mr. appears to me [from Section 75.  
certificate or diploma (or certificates or diplomas or both) presented  
by him to me] or [after examination by me] to be possessed of  
sufficient technical knowledge and practice to be employed as a  
Superintendent of Parochial Roads and Works in any parish in this  
Island.



## SECOND SCHEDULE.

No. and Date of Law.	Title.	Extent of Repeal.
No. 29 of 1873 No. 11 of 1878.	The Parochial Roads Law, 1873. A Law to amend Law 29 of 1873 as to the Parochial Road Fund Accounts.	The whole Law. The whole Law.
No 1 of 1882.	The Road Laws Amendment Law, 1882.	The whole Law.
No. 20 of 1886.	The Parochial Road Law Amend- ment Law, 1886.	The whole Law.
No. 12 of 1888.	The Parochial Roads Law, 1873, Amendment Law, 1888.	The whole Law.
No. 7 of 1890.	The Parochial Road Laws, Fur- ther Amendment Law, 1890	The whole Law.
No. 11 of 1892.	The Main Road Law, 1887 and Parochial Road Law, 1873, Amendment Law 1892.	The whole Law.
No. 31 of 1893.	The Kingston Local Improvement Law, 1893.	Section 2.
No. 7 of 1896.	The Parochial Road Law, 1886 Amendment Law, 1896.	The whole Law.
No. 18 of 1896.	The Parochial Roads Encroach- ments Law, 1896.	The whole Law.
No. 18 of 1897.	The Road Law, 1897.	The whole Law.
No. 18 of 1902.	The Main and Parochial Roads Laws, Amendment Law, 1902.	The whole Law.
No. 25 of 1903.	A Law to amend the Parochial Road Law, Amendment Law 1886 (No. 20 of 1886).	The whole Law.
No. 11 of 1908.	The Road Laws Amendment Law, 1908.	The whole Law.
No. 18 of 1908.	The Road Law 1897, Amendment Law. 1908.	The whole Law.

No. 35—1931.

I assent,

[L.S.]

R. E. STUBBS,  
*Governor.*

8th March, 1932.

A LAW to enable the erection and maintenance of a jetty or pier in the Harbour of Montego Bay, and of a Railway Line to connect same with the existing Jamaica Government Railway.

[The day of the date of any Proclamation notifying that  
His Majesty will not exercise his powers of disallowance.]

WHEREAS it is necessary to increase the facilities for shipping the agricultural products of this Island and whereas the erection and maintenance of a deep water jetty or pier in the Harbour of Montego Bay in the parish of Saint James to be connected by rail with the Jamaica Government Railway would greatly increase the facilities for shipping the said agricultural products and in other respects would be of great public and local advantage and whereas Fletcher and Company, Limited, a company duly incorporated under the Laws of this Island and having its registered office in Montego Bay are desirous either by themselves or by a Company to be formed for the purpose of carrying the undertaking into execution and of erecting maintaining and using at the foreshore of their wharf premises situate at Four and Five Wharves, Harbour Street, in the town of Montego Bay, a jetty or pier extending out

Preamble.



into the Harbour of Montego Bay, and connected by rail with the Jamaica Government Railway, and whereas the Parochial Board for the parish of St. James has granted the said Fletcher and Company, Limited, permission to lay down erect and maintain railway lines and to operate thereon railway trains along the public thoroughfares named in Schedule A hereto, and whereas it is expedient that the necessary powers and authority should be granted to facilitate the erection and maintenance of the said jetty or pier in the Harbour of Montego Bay and of a Railway line to connect the same with the existing Jamaica Government Railway at Montego Bay.

Be it enacted by the Governor and Legislative Council of Jamaica as follows:—

Interpretation.

1—In this Law and the Laws incorporated herewith unless the context otherwise requires, the term—

“Arbitration” means arbitration in accordance with the terms and provisions of the Arbitration Law, 1900, or any Law amending the same.

“The Company” means Fletcher and Company, Limited, or other the owners or lessees from time to time of the wharf premises situate at Four and Five Wharves, Harbour Street, in the Town of Montego Bay.

“The jetty or pier” means and includes the jetty or pier (including any alterations and additions to the same) to be erected or made in pursuance of this Law and the wharf premises used in connection with the same.

“The Railway line” means and includes the extension of the Jamaica Government Railway line (including any alterations and additions to the same) to be erected in pursuance of this Law connecting the jetty or pier with the Jamaica Government Railway at some point at or near the Montego Bay Station.

“The undertaking” means and includes the laying out constructing making altering and maintaining the jetty or pier and the railway line and shall include the widening draining ballasting improvements of and additions to the same as may be necessary from time to time and also all buildings and erections and all personal property used in conjunction therewith.

2—It shall be lawful for the Company to erect and thereafter to maintain and use at the foreshore of the wharf premises now called or known as Four and Five Wharves, Harbour Street in the town of Montego Bay a jetty or pier extending out into the Harbour of Montego Bay at such point on the said foreshore and of such shape and dimensions as appears by a certain plan lodged at the Office of the Colonial Secretary of Jamaica, or at such other point on the said foreshore and of such other shape and dimensions as the Governor in Privy Council may from time to time approve.

Power to erect and maintain Pier.

3—It shall be lawful for the Company from time to time to erect and make any additions and alterations to the jetty or pier and thereafter to maintain and use the jetty or pier with such additions and alterations provided that before any such additions or alterations are erected or made the plans thereof shall be submitted to and approved of by the Governor in Privy Council.

Additions and alterations.

4—Save as hereinafter provided the erection maintenance or user of the jetty or pier and of the construction carrying maintaining or user of the Railway line across the Sea Bed from the Montego Bay Railway Station yard to the point where it joins the foreshore to enter Barnett Street shall not for any purpose be held or deemed to be an interference with any general public or private right of navigation or fishing or an obstruction in the said harbour.

Other rights how affected.

5—The jetty or pier shall always be deemed to be a public wharf within the meaning of Law 15 of 1895, provided that the wharfinger thereof shall be entitled to charge any person or persons using the jetty or pier instead of the rates of wharfage provided by Law in respect of the goods enumerated in Schedule B to this Law such sum as is set out in the said Schedule B opposite to such goods.

Deemed public wharf and rates of wharfage.

6—If at any time the Company desires to sell the undertaking the Colonial Secretary of Jamaica for and on behalf of the Government of Jamaica shall have the right of pre-emption, provided that such right of pre-emption shall be exercised within six months of the receipt by the

Government's right of pre-emption.



Colonial Secretary of Jamaica, of a notice in writing from the Company of their intention to sell and provided further that upon the exercise of such right of pre-emption the purchase price, if not agreed upon, shall be ascertained by arbitration.

Power to mortgage.

7—Nothing in the preceding section contained shall in any way affect the right of the Company at any time to mortgage or charge the undertaking whether by Debenture or otherwise and in the event of a Mortgagee Debenture Holder or Trustee for Debenture Holders proposing to exercise his rights of sale or foreclosure with respect to the undertaking the Colonial Secretary of Jamaica for and on behalf of the Government of Jamaica shall have the right of pre-emption, at a price to be agreed upon and failing agreement such price to be ascertained by arbitration.

Power to make and erect Railway Line.

8—It shall be lawful for the Company to construct alter and maintain the Railway line in accordance with such plans sections and drawings as may from time to time be approved of by the Governor in Privy Council and for all or any purposes incident thereto or to the undertaking to enter upon, take, use and acquire either by Agreement or under the Lands Clauses Law, 1872, such or so much of the Lands mentioned in Schedule "D" hereto as the Company may require therefor with power to provide such accommodation works as they may deem advisable.

Railway line crossing Roads, etc.

9—It shall be lawful for the Company to make, maintain and use the Railway line along and across the Sea Bed between the Jamaica Government Railway station yard at Montego Bay to the point where it joins on to the foreshore to connect with Barnett Street or across any road, street, way, lane or other public passage or place in such manner as may be approved and subject to such conditions as may be imposed by the Governor in Privy Council from time to time.

User of Railway.

10—It shall be lawful for the Company and any persons authorised by them to use the Railway line subject to such rules and regulations as to the manner of such user

as may be made from time to time by the Governor in Privy Council, and to employ thereon locomotive steam engines or other moving power and carriages and waggons to be drawn or propelled thereby and to carry and convey upon the Railway line passengers and goods for reward provided that the Company shall at all times permit the Director of the Jamaica Government Railway so to use the Railway line and that it shall be lawful for him so to do.

11—On the application of any wharf owner the Director of the Jamaica Government Railway shall be entitled to connect any wharf along the public thoroughfares mentioned in Schedule A hereto upon such terms and subject to such conditions and upon payment to the said Fletcher & Company, Limited, of such compensation as may be determined by the Governor in Privy Council.

Power of  
Director of  
Railway.

12—It shall be lawful for the Company to do all acts necessary for the purposes of the undertaking provided that in doing any such act the Company shall do as little damage as possible and shall make full satisfaction to be ascertained and settled either by Agreement or in the manner provided by the Lands Clauses Law, 1872, to all parties interested for all damage by them sustained by reason of the doing of any such act.

Power to do  
other Acts.

13—Save as hereinafter provided the erection maintenance or user of the Railway line shall not for any purpose be held or deemed to be an interference with any general public or private right or an obstruction of the thoroughfares mentioned in Schedule A hereto nor of the foreshore between the Jamaica Government Railway Montego Bay Station and the point where the Railway line shall connect with the foreshore to link up with Barnett Street and/or Harbour Street.

Other rights how  
affected.

14—The Lands Clauses Law 1872 is incorporated with this Law except Sections 10, 11, 15, 16, 84, 88, 89, 90, 91, 92, 93, 101, 104, 105 and 106, and except where the provisions of that Law are not consistent with this Law.

Lands Clauses  
Law 1872, appli-  
cation of.



Saving for pre-  
rogative.

15—Nothing in this Law shall prejudice or affect the rights of His Majesty the King, His Heirs and Successors or of any body politic or corporate or of any person or persons except that the persons mentioned in Schedule C to this Law shall be subject to all the provisions of the Lands Clauses Law, 1872, in respect of the lands mentioned in Schedule D to this Law.

Saving other  
rights.

16—No provision of this Law shall affect the rights (if any) of any owner or occupier of or any party interested in any lands adjoining the aforesaid Barnett and Harbour Streets, or any lands over which the Railway lines may be constructed to compensation for any loss or damage that may be sustained by them or any of them by reason of the construction maintenance or user of the said railway line, and whether the said lands or any part thereof shall be acquired or used for the purposes of the undertaking or not. Such compensation (if any) shall be ascertained and settled either by Agreement or in the manner provided by the Lands Clauses Law, 1872, and nothing in this Law shall prejudice or affect any rights (if any) of Calvert Alton Scott, or his successors in title to compensation in respect of the premises he now owns abutting the seashore at Montego Bay.

Coming into  
operation.

17—This Law shall not come into operation unless and until the Governor notifies by Proclamation to be published in the Jamaica Gazette that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation on such day as may be named in the said Proclamation or by other Proclamation.

Short Title.

18—This Law may be cited as the Montego Bay Pier (Enabling) Law, 1931.

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#### SCHEDULE A.

(Preamble.)

The Public thoroughfares known as West End of Barnett Street the whole of Harbour Street and West End of Union Street. X

SCHEDULE B.

(Section 5.)

For use of wharf jetty or pier for landing or shipping, or for merely passing through the wharf, exclusive of labour, bananas, not exceeding twopence per count bunch.

SCHEDULE C.

(Section 8.)

The owners and occupiers of and all persons whomsoever having any right title interest or estate whether in possession reversion or remainder in to on or over the lands mentioned in Schedules A and D to this Law.

SCHEDULE D.

(Section 15.)

All those lands in the town of Montego Bay situate on each side of the middle line of the site of the proposed railway line as marked upon the said plan lodged at the Office of the Colonial Secretary of Jamaica, and within a limit not exceeding thirty feet from such middle line on each side thereof.















